

DWSRF

DRINKING WATER STATE REVOLVING FUND



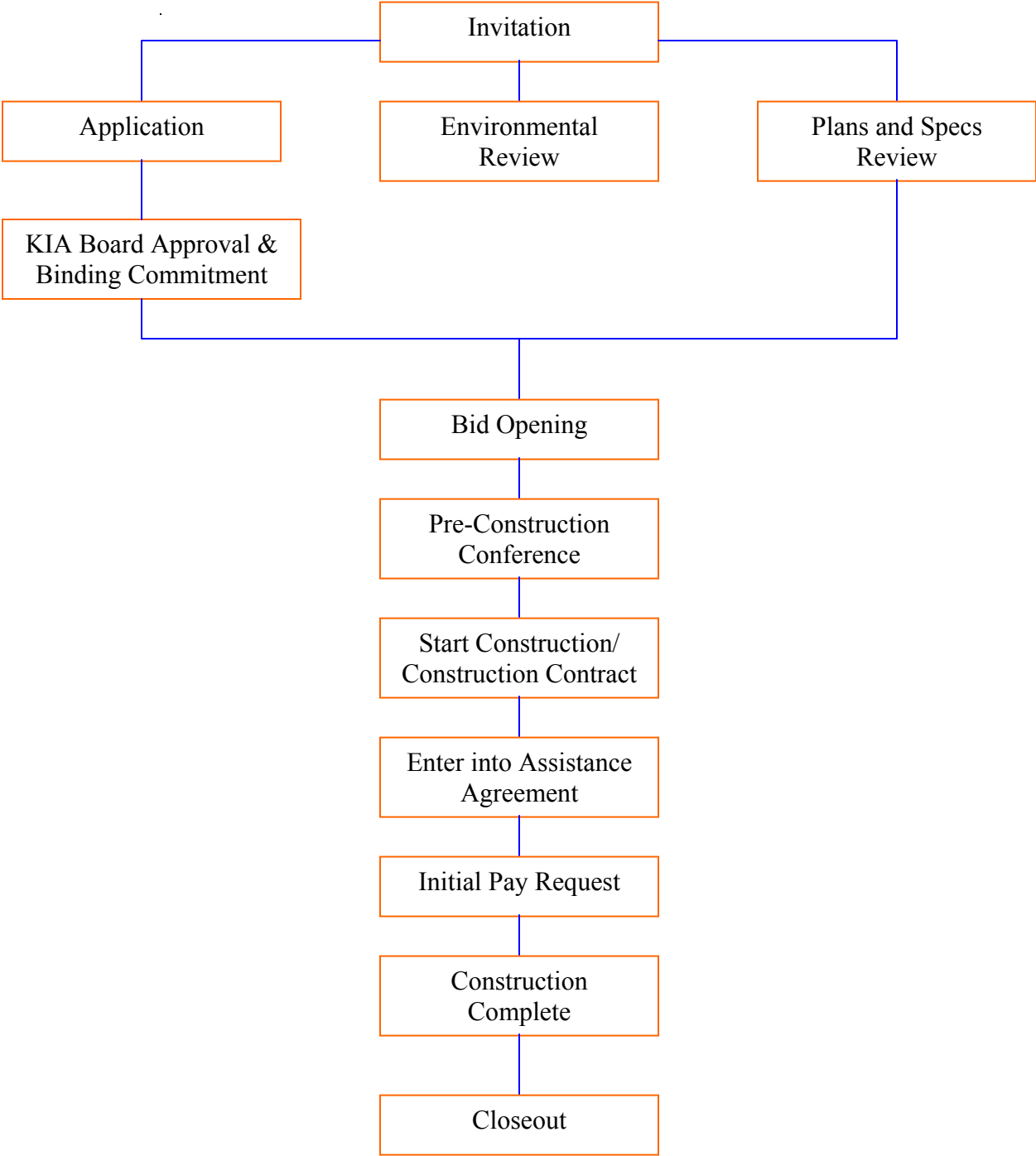
2010 HANDBOOK



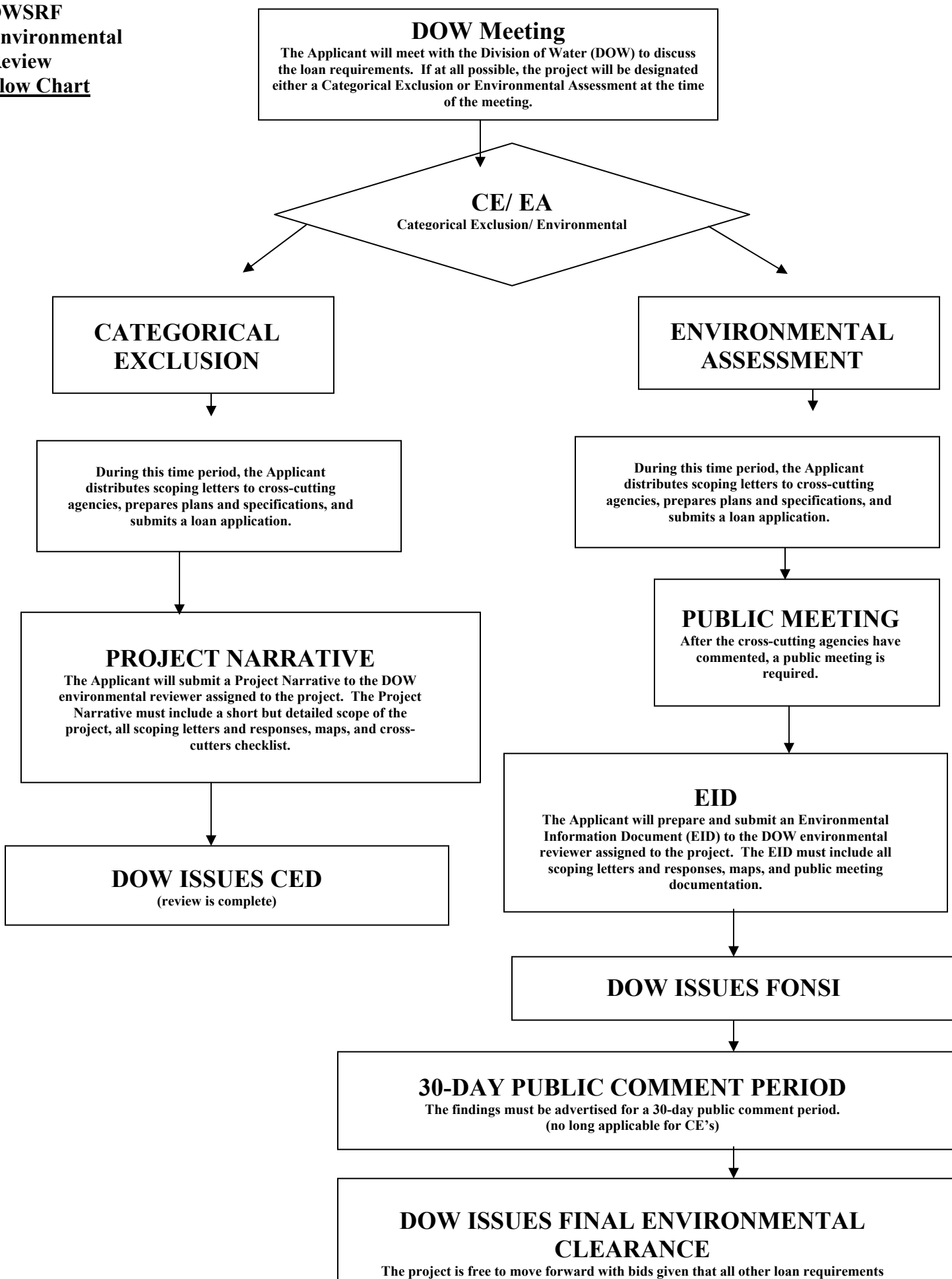
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Flowchart for Drinking Water Projects



**DWSRF
Environmental
Review
Flow Chart**



GUIDELINES FOR CATEGORICAL EXCLUSION DETERMINATIONS FOR DRINKING WATER PROJECTS

DRINKING WATER STATE REVOLVING FUND LOAN (DWSRF)



Kentucky Department for Environmental Protection

**Department for Environmental Protection
Energy and Environment Cabinet
Division of Water
2009**

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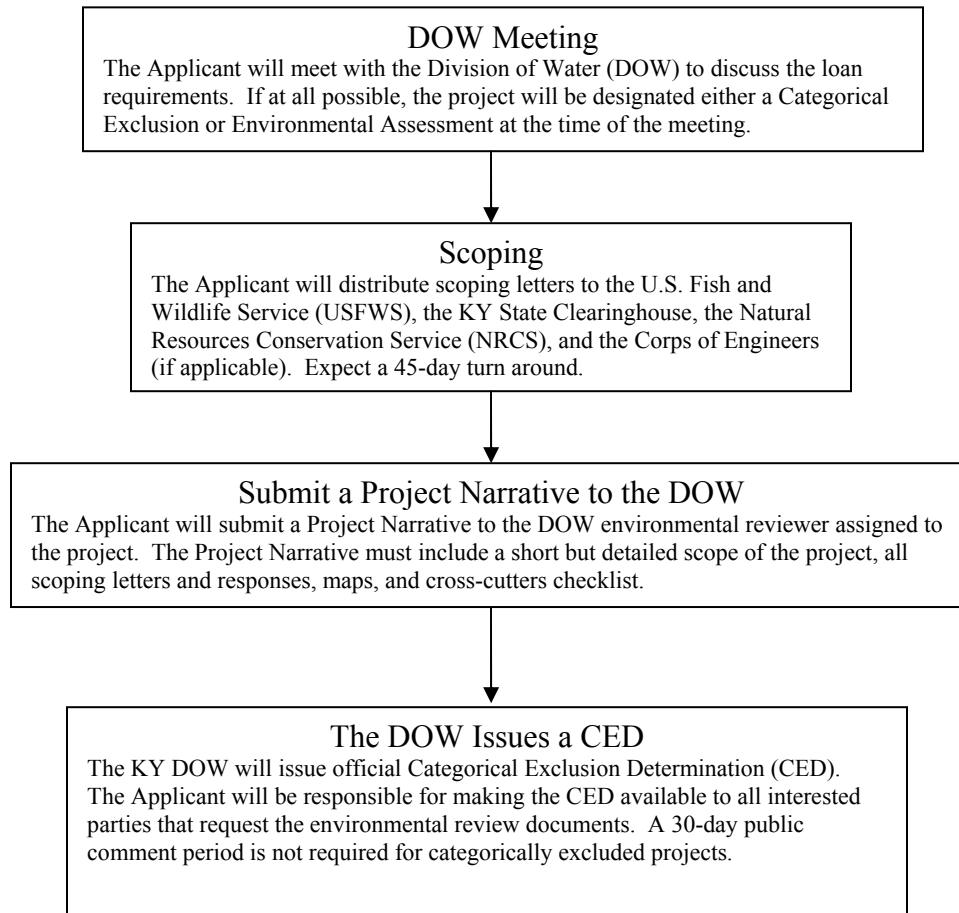
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Environmental Review Flow Chart



Environmental Review Guidelines for DWSRF Projects

The following is an outline of the environmental review requirements for Drinking Water State Revolving Fund (DWSRF) funded projects.

The DWSRF follows a National Environmental Policy Act (NEPA)-like process. The Water Infrastructure Branch environmental reviewer reviews all DWSRF projects to assure compliance with Kentucky's State Environmental Review Process (SERP) and other environmental laws and regulations, such as the Endangered Species Act, Farmland Protection Policy Act, etc.

Categorical Exclusions (CEs) are identified categories of actions, which do not have a significant effect on the quality of the environment. The Water Infrastructure Branch, will determine eligibility for a CE. A list of criteria for a CE is attached. For all projects that are not eligible for Categorical Exclusion, an Environmental Information Document (EID) must be completed. An EID describes and evaluates the environmental impacts of the feasible alternatives, including the 'No Action' alternative. The scope of the EID should be commensurate with the size and significance of the proposed project.

Prior to the preparation of a CE or an EID, the applicant should obtain concurrence for the proposed project from the crosscutters, such as the State's Historical Commission, the US Fish and Wildlife Service, the Natural Resources Conservation Service, and the US Army Corps of Engineers (wetlands, Section 404 permits, dredge and fill, structures placed in navigable waterways.) The attached cross-cutters checklist will need to be submitted with the abovementioned correspondence.

The Division of Water (DOW) reviews the EID and makes a determination as to the environmental affects of the proposed project. If the project is found to have no significant effect, then the DOW documents their findings with the preparation of an Environmental Assessment (EA) and issues a Finding of No Significant Impact (FONSI) for a 30-day comment period. Completion of the 30-day comment period without significant adverse opposition will complete the environmental review process. If the DOW cannot support a FONSI, the applicant will be required to take part in an Environmental Impact Statement.

For projects requiring an EA, public participation should be included in the project planning process culminating in a public meeting or hearing that presents the proposed project to the public and includes discussion of both environmental and financial impacts. A tear sheet, newspaper affidavit, meeting minutes, and a list of interested parties should be submitted as record of the meeting.

Please forward all questions regarding the environmental review process to Amanda Yearly, (502) 564-3410, ext. 4839.

Criteria for Kentucky DWSRF Categorical Exclusions

Categorical Exclusions (CEs) are identified categories of actions which do not individually, cumulatively over time, or in conjunction with other Federal, State, local or private actions have a significant effect on the quality of the human environment. Eligibility for a CE will be determined by the Water Infrastructure Branch and the applicant will be notified in the loan application meeting. Where the Water Infrastructure Branch determines that a CE is appropriate, there is no need to prepare a formal environmental assessment (EA). The State Clearinghouse and Cross-Cutter Authorities must be consulted for all projects, including categorical exclusions. Minimum criteria for categorical exclusions:

1. Minor rehabilitation of existing facilities including:
 - a) Equipment rehabilitation at existing water plants, pumping, or storage facilities.
 - b) Replacement of **existing** water lines constructed (1) within areas where streets have been established in easements and rights-of-ways, where underground utilities have been installed, where building sites have been excavated, or where such lands have otherwise been disturbed from a natural condition, (2) within the existing system service areas intended to serve existing customers, and (3) within the existing service resulting in no change in existing land use and only modest growth (less than 10%).
2. Functional replacement of equipment including equipment replacement or modification at existing water plant, pumping, or storage facilities with no significant change in capacity (less than 30%).
3. Ancillary facilities adjacent or appurtenant to existing facilities including new water lines constructed (1) within areas where streets have been established in easements and rights-of-ways, where underground utilities have been installed, where building sites have been excavated, or where such lands have otherwise been disturbed from a natural condition, (2) within ½ mile of the existing distribution system and storage facilities, (3) for the purpose of system reliability, and (4) primarily for existing residential or commercial users.
4. Land acquisition for source water protection that meets all other criteria of our priority listing.

Criteria for **not granting** a CE:

1. The action is known or expected to have a significant effect on the quality of the human environment, either individually, cumulatively over time, or in conjunction with other federal, state, local, tribal, or private actions.
2. The action is known or expected to directly or indirectly affect cultural resource areas such as archaeological and historic sites.
3. The action is known or expected to directly or indirectly affect endangered or threatened species and their critical habitats.
4. The action is known or expected to directly or indirectly affect environmentally important natural resource areas such as floodplains, wetlands, important farmlands, or aquifer recharge zones.
5. The action is known or expected not to be cost-effective.
6. The action is known or expected to cause significant public controversy.

CATEGORICAL EXCLUSION PROJECT NARRATIVE GUIDELINES

Categorical Exclusions (CEs) are identified categories of actions which do not individually, cumulatively over time, or in conjunction with other Federal, State, local, or private actions have a significant effect on the quality of the human environment. For all projects that are not eligible for a CE, the applicant must complete an **Environmental Information Document (EID)**. Environmental Information Documents are **not** required for CEs. However, in order for the Division of Water, Environmental Reviewer to prepare the official Categorical Exclusion Determination, a brief Project Narrative document must be submitted, outlining the details of the proposed project. The Project Narrative must include the following:

- A brief but detailed scope of the project
- Total project cost and a list of the funding sources
- Need for the project
- Maps
- All scoping letters and associated responses (USFWS, KY State Clearinghouse, NRCS)
- Statutory Cross-Cutters Checklist (Appendix A)

The Project Narrative should be submitted to the assigned Environmental Reviewer at the Division of Water at 200 Fair Oaks, Frankfort, KY 40601.

Please forward all questions to your reviewer at (502)564-3410.

CROSS-CUTTERS GENERAL CONTACT INFORMATION

Kentucky State Clearinghouse – The e-Clearinghouse rotation will encompass comments from the following environmental authorities:

- Archaeological and Historic Preservation Act of 1974 (PL 86-523, as amended)
- Clean Air Act (PL 84-159, as amended)
- Floodplain Management, Executive Order 11988, as amended by 12148
- National Historic Preservation Act of 1966 (PL 89-665, as amended)
- Wild and Scenic Rivers Act (PL 90-542, as amended)
- State Wild Rivers and Outstanding Resource Waters
- State Water Withdrawal Permits
- Kentucky Pollutant Discharge Elimination System (for storm water discharge permit)
- KY Fish and Wildlife (NOT the same as U.S. Fish and Wildlife Service)
- Department of Transportation

Contact:

Kentucky State Clearinghouse
Ms. Lee Nalley
1024 Capitol Center Drive
Frankfort, KY 40601-8204
Phone: 502.573.2382

U.S. Fish and Wildlife Service (USFWS)– Endangered Species Act (PL 93-205, as amended), Fish and Wildlife Coordination Act (PL 85-624, as amended). Kentucky has a USFWS field office located in Frankfort. Send requests for comments to:

Mr. Virgil Lee Andrews, Jr., Field Office Supervisor
U.S. Department of the Interior
Fish and Wildlife Service
J.C. Watts Federal Building
330 West Broadway, Suite 265
Frankfort, KY 40601
Phone: 502.695.0468
Fax: 502.695.1024

Website: www.fws.gov, click on “Offices” for information on regional office locations, contacts, etc. For projects near Kentucky’s borders with other states, the USFWS field office for the adjoining state must also be contacted. Projects as far as 10 miles from the border could be considered “near” due to species such as the Indiana bat.

U.S. Natural Resources Conservation Service (NRCS) – Farmland Protection Policy Act (PL 97-98). For district office addresses, go to their website at www.ky.nrcs.usda.gov. Click on “Find a Service Center” then click on the appropriate state and county for contact information.

*If potential impacts have been identified as a result of the proposed DWSRF project, the following agencies may need to be contacted, depending on the environmental effect:

Wetlands Determination- U.S. Army Corps of Engineers (USACE)
Floodplains- DOW, Federal Emergency Management Agency (FEMA), USACE
Drinking Water Sole Source Aquifer- DOW

SAMPLE: CROSS-CUTTERS SCOPING LETTER

May 11, 2009

Mr. Virgil Lee Andrews, Jr., Field Office Supervisor
U.S. Department of the Interior
Fish and Wildlife Service
J.C. Watts Federal Building
330 West Broadway, Suite 265
Frankfort, KY 40601

RE: Avenstoke Waterline Extension Project

Dear Mr. Andrews:

The city of Hilton Head is in the process of conducting an environmental review pursuant to the State Environmental Review Process for the Kentucky Division of Water, Drinking Water State Revolving Fund, low-interest loan program. The purpose of the review is to assess the environmental impacts of the Avenstoke Waterline Extension Project located in Savannah County.

Enclosed is a map that shows the location of the proposed project. The project will consist of 5,280 linear feet of PVC waterline, two pump stations, and a 1 million gallon elevated water storage tank to serve approximately 300 households presently without potable water service. The majority of the waterline extension and appurtenances will be located within transportation rights-of-way which have been previously disturbed, however, a small portion of the project will stretch cross-country, as demonstrated on the map.

Please advise us of any present concerns your office may have related to possible effects of the abovementioned project on threatened or endangered species or critical wildlife habitat.

We would appreciate a response within 30 days, if possible. If you need any further information or wish to discuss the project, please contact me at _____.

Regards,

Enclosure- Map

Project Name and DWSRF No.

Area of Statutory or Regulatory Compliance	Not Applicable to This Project	Consultation Required*	Review Required*	Permits Required*	Determination of consistency Approvals, Permits Obtained*	Conditions and/or Mitigation Actions Required	Provide compliance documentation. Additional material may be attached.
Historic Properties							
Floodplain Management							
Wetlands Protection							
Interbasin Water Transfer							
Water Quality - Aquifers							
Endangered Species							
Wild and Scenic Rivers							
Air Quality							
Farmlands Protection							
Environmental Justice							

State or Local Statutes

(to be added by Responsible Entity)

* Attach evidence that required actions have been taken.

Continued on next page

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Statutory Cross-Cutters Checklist (continued)

Project Name and Identification No. _____

Summary of Findings and Conclusions:

Summary of Environmental Conditions:

Project Modifications and Alternatives Considered:

Additional Studies Performed:

(Attach study or summary)

Mitigation Measures Needed:

Prepared by:

Title:

Date:

GUIDELINES FOR ASSEMBLING AN ENVIRONMENTAL INFORMATION DOCUMENT FOR DRINKING WATER PROJECTS

DRINKING WATER STATE REVOLVING FUND LOAN (DWSRF)



**Department for Environmental Protection
Energy and Environment Cabinet
Division of Water
2009**

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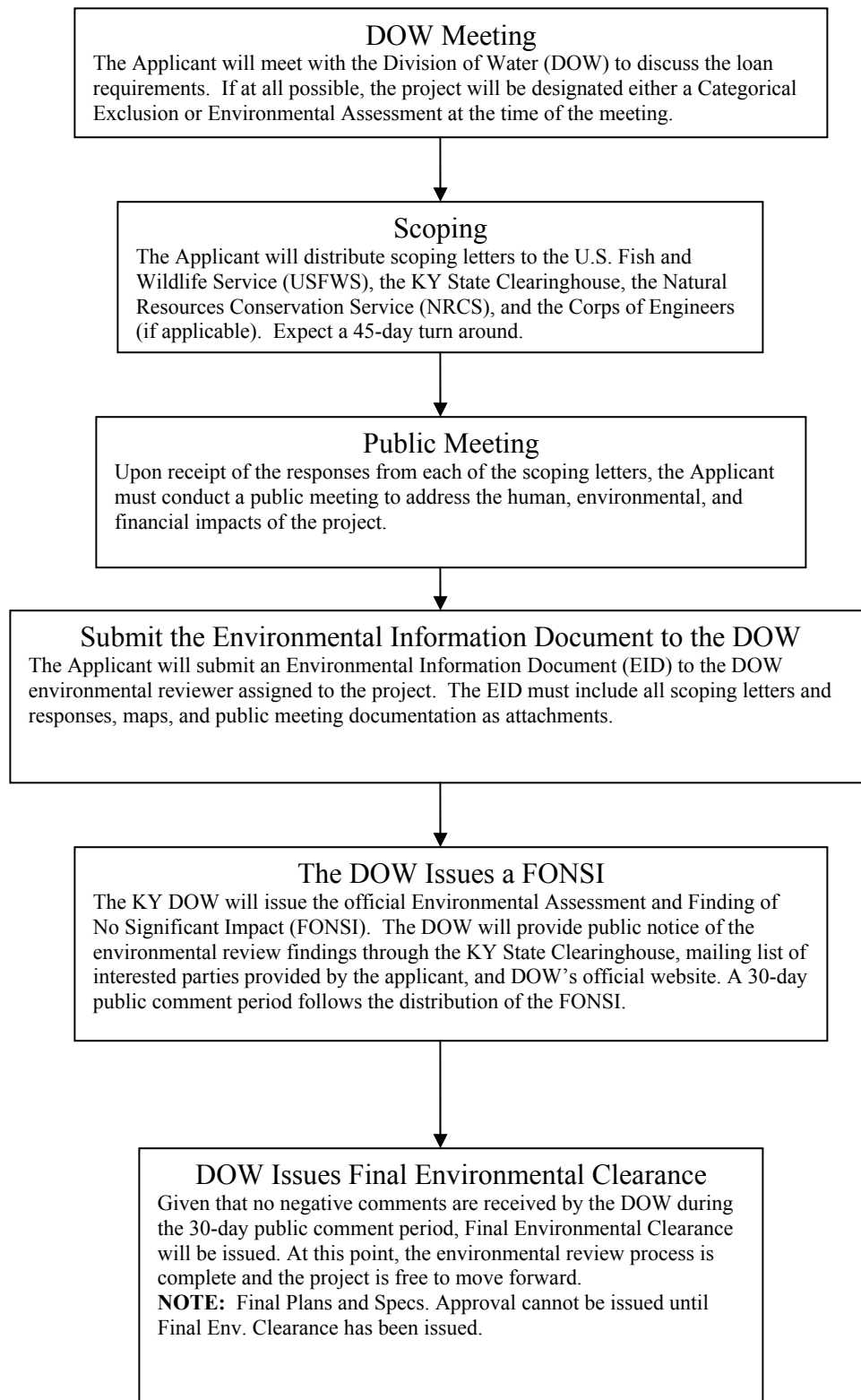
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Public Meeting Notice Template

Guidance for Developing a List of Interested Parties

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Environmental Review Flow Chart



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Drinking Water Sole Source Aquifer- DOW

SAMPLE: CROSS-CUTTERS SCOPING LETTER

May 11, 2009

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U.S. Department of the Interior
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Please advise us of any present concerns your office may have related to possible effects of the abovementioned project on threatened or endangered species or critical wildlife habitat.

We would appreciate a response within 30 days, if possible. If you need any further information or wish to discuss the project, please contact me at _____.

Regards,

Enclosure- Map

Environmental Information Document (EID)

Outline for Drinking Water Projects

Environmental Information Document: An EID is required when the cabinet determines that a project does not qualify for a CE. The applicant shall prepare an EID in consultation with the cabinet. The EID shall be of sufficient scope and content to enable the cabinet to prepare an EA and FONSI. The EID is to be submitted to the DOW, Drinking Water Environmental Reviewer. The EID shall adhere to the following format:

A. Proposed Project and Funding Sources: This section shall include a description of the project, the need for the project, and the cost of the project.

- The project description should include the project name, owner of the facilities, location, planning area description, list of affected utilities, population, and the major components of the project.
- The need for the project should be briefly stated. More information for the need for the project will be presented later in the EID.
- Project costs should include proposed total project costs and all funding sources for the entire project.
- A location map and USGS topography map of the project area, showing existing and proposed infrastructure should also be included. The location of major project components should be clearly identified, such as treatment works, waterlines, pump stations, and water storage tanks.

B. Existing Environment: This section should describe aspects of the natural environment of the planning area that affected the alternative selection process or could be affected by implementing the plan.

- A description of surface waters and their quality is needed in every case with specific reference to any wild and scenic rivers and any impaired surface waters in the project area, watershed name and hydrologic unit code. Identify any public health problems related to poor water quality;
- Existing and potential groundwater quality problems;
- Threatened or endangered species as set forth in Endangered Species Act, Pub. L 93-205, as amended;
- Suitability of soils and topography for on-site sewage disposal systems that might be affected by the introduction of potable water service;
- Local ambient air quality;
- Important farmlands, as set forth in the Farmland Protection Policy Act (7 U.S.C. §§ 4201 to 4209);
- Cultural resource areas, as set forth in the National Historic Preservation Act (16 U.S.C. §§ 470 to 470x-6) and the Archeological and Historic Preservation Act (16 U.S.C. §§ 469);

- Environmental justice concerns, as set forth in Executive Order 12898. Briefly describe any minority and/or low-income populations which exist within the overall planning area or which may otherwise be impacted by the projects. If these areas would be affected by an alternative under consideration, more detail should be provided.
- Special or sensitive environmental areas such as wetlands; areas of recognized scenic or recreational value; floodplains; and parkland or other public lands.

- C. Existing Drinking Water System/ Wastewater Capacity: This section should include a description of the existing treatment and distribution system, water demand (average and peak), surface water sources including intake locations and permitted and actual withdrawal, groundwater sources, location of wells and well fields, water storage, raw water characteristics, residual and backwash disposal and the service area. This section should also include a general description of the wastewater collection and treatment system for the planning area. Describe existing collection, transport, treatment and sludge facilities. The service area(s) of these facilities should be described briefly and shown on an attached figure. Include the condition of the facilities, especially as it affects alternative selection. For existing treatment plants, state:
- Original design capacity and current production
 - Existing permit limits
 - Actual performance over a recent period

Where septic tanks are prevalent in all or part of the service planning area, their performance should be described. Explain any problems and provide details about the location and severity of the problems in relation to the proposed project. Also include existing system performance for all facilities.

- D. Need for Proposed Facilities and Actions: This section should provide a summary of the need for water facilities or actions, emphasizing existing public health or water quality problems. These problems typically include water quality violations or problems, documented public health hazards, existing facility overload, insufficient capacity for projected demand, failing groundwater wells, and insufficient pressure. Other special situations may justify proposed facilities and should be included.

Include the planning period for the project. The planning period should justify the capacity of the system with its projected population. Population projections should be based on U.S. Census projections or some recognized source of demographic data.

- E. Alternative Analysis: All alternatives analyzed should be described. The development of alternatives should include the no-action alternative, optimum utilization of existing facilities including flow reduction and water conservation, and new construction alternatives. An explanation should be given for rejecting or selecting alternatives. The explanation should include

cost comparisons, including present worth or equivalent annual cost comparisons; reliability of the alternatives; complexity of the alternatives; significant environmental effects; and legal or institutional constraints. Identify which reasonable alternative was selected and state the reasons why this alternative was chosen.

F. Environmental Consequences; Mitigative Measures: This section should describe and document the environmental effects of the selected alternative. Address the direct, indirect, and cumulative impacts for each aspect. This section should also describe anticipated impacts on the environment and measures proposed to mitigate those adverse impacts. Discuss any recommendations from the crosscutting agencies that implement environmental laws and include agency approval letters in an appendix to the EID. The applicant shall resolve all comments from the Kentucky State eClearinghouse, or the clearinghouse's successor, the U.S. Fish and Wildlife Service, the U.S. Corps of Engineers, and the Natural Resources Conservation Service. All correspondence, including attachments submitted to and from the crosscutting agencies concerning the proposed project, shall be submitted as part of the EID. The documentation shall include evidence that the agencies generating the comments are satisfied with the applicant's responses and/or commitment to mitigation measures.

G. Public Participation; Sources Consulted: This section should include a summary of all public participation, including meetings, noting any public comments.

Public Notice: For all projects that have not been categorically excluded, the applicant shall provide the public with notice of the project by publishing one or more notices in the local newspaper. The notice shall be published at least fifteen (15) days before the public meeting.

All public notices shall contain the following information:

- The name and address of the applicant and the entity that drafted the EID
- A brief description of the proposed project and the area the project will serve
- The name, address, and telephone number of persons from whom interested parties may obtain information
- A brief description of how the public may comment
- The date, time, and place of the meeting
- A brief description of the nature and purpose of the meeting

Public Comment: The public shall be given an opportunity to comment on the EID and the period for comment shall remain open for thirty (30) days from the date of the first publication of the notice of the public meeting or until the termination of the meeting, whichever is later.

- The public may request longer comment periods, which may be granted by the applicant at its discretion.
- Any person may submit comments or oral statements and data to the applicant, who may set reasonable limits upon the time allotted for oral statements and may require that statements be submitted in writing.
- All persons who believe that any condition of the EID is inappropriate, inaccurate, incomplete, or otherwise not in the best interest of the public and the environment, shall raise all reasonably ascertainable issues and submit all reasonably available arguments and factual background supporting their position, including all supporting materials to the applicant by the close of the public comment period.

Public Meeting: The public meeting shall include the following discussions:

- Scope of the project
- Project cost
- Alternatives that were considered during planning
- Estimated user charges
- Estimated hook-up fees
- Any required mitigation

The applicant shall submit as part of the EID a copy of the advertisement for the public meeting, a copy of the minutes of the meeting, and any written comments and responses. In addition, the EID shall include a list of all sources consulted for information and/or concurrence. The Kentucky State eClearinghouse shall be one of the entities consulted.

Guidelines for Environmental Justice (EJ) Review

The following is a brief summary of these requirements as they relate to the preparation of Environmental Information Documents (EIDs) and Environmental Assessments (EAs) for wastewater and drinking water construction projects. The preparer of the EID (the applicant or their representative) should read the guidance and any supporting information. Additional information and updates on Environmental Justice can be obtained from the EPA Region 4 website (<http://www.epa.gov/region4/water/>). The full document can be found at: <http://ceq.eh.doe.gov/nepa/regs/ej/justice.pdf>

In preparing the EID, the applicant must identify any minority populations and low-income populations which exist within the overall planning area or which may otherwise be impacted by the project (e.g. downstream or downwind communities). Native American communities, including their traditional resource areas are included. Once identified the grantee must determine the impact of the proposed project on these EJ communities. The following questions must be addressed in the EID. [Note: In evaluating the project's impact, the grantee must be aware of EJ communities which are outside of the service area of the proposed project. The grantee may need to address why such areas were not included in the proposed project, as well as other impacts on these EJ communities.]

1) Does there exist a potential for disproportionate risk?

This question needs to be answered for all the alternatives which are being evaluated. If one or more alternatives may pose a risk, then mitigative measures should be included for those alternatives. In evaluating the alternatives, mitigative measures should be taken into account including any barriers (e.g. funding limitations) to implementing these mitigative measures. If an alternative with mitigative measures is selected, then there must be a commitment, including adequate funding, to undertake these mitigative measures. A disproportionate risk may also be one of exclusion. As an example, a sewerline project serving a portion of the community, but not serving an EJ community may increase the relative risks to that EJ community. Other impacts, such as cultural, historical, or protected resources of value to the EJ community must also be considered even when these resources are located apart from those communities. It should be noted that the goal of developing reasonable alternatives is not to move the impacts around, but to identify viable alternative actions that meet the program goals.

2) Have the identified EJ communities been sufficiently involved in the decision-making process?

Following identification of EJ communities, the grantee must evaluate how these communities are currently involved in local decision-making processes (e.g. representation on elected councils, commissions, etc.) and identify any barriers which might exist to bringing these communities into the decision-making process (e.g. language barriers, literacy levels, etc.)

- 3) Do the identified EJ communities currently suffer or have they historically suffered from environmental and health risk or hazards?

In answering this question, the impacts of the proposed project on the environmental and public health should be the starting point. Since drinking water and wastewater projects are generally beneficial to the public health, the grantee may be able to show a positive impact. Issues may arise relating to new or increased discharges of pollutants. EJ communities may have a greater dependence on natural resources (e.g. subsistence fishing), they generally have less access to adequate health care, and they may have a higher exposure to other pollutants (e.g. pesticides in farming communities).

If disproportionately high or adverse impacts on EJ communities are identified, then the grantee should reevaluate the alternatives and mitigative measures. Additional public participation should be undertaken. Effective public involvement strategies have four common characteristics: inclusiveness (all affected communities and stakeholders are represented), representation (representatives must truly reflect the community's or stakeholder's views), parity (all stakeholder groups have equal opportunity and capacity), and communication (account for differences between groups).

The identification of EJ communities should be done early in the process. Since the project can not go forward until the reviewer is satisfied that any EJ issues have been identified and any adverse risk addressed, this analysis should be done as soon as possible. If the need arises to revise the EID, or to have additional public participation or hearings, or to prepare an EIS, then disproportionately high risk early in the project development then mitigative measures can more easily be incorporated into the project. Or if risks can not be mitigated, and they are identified early on, the preparation of an EIS can proceed with fewer delays.

Procedures

- A) In preparing the EID, an ecological assessment is conducted identifying the natural resources that will be used by the project and the potentially affected environments that may be impacted by the project. Then the potential changes and impacts of the proposed action and alternative actions are assessed.

Minority populations and low-income populations are identified which either are located within the general area served by the project or use resources within the general area. Information on these populations is compiled including socioeconomic factors, resource uses, special health concerns, etc. If minority and/or low-income populations are identified, then public participation efforts are developed to involve these communities. The public participation program should take extra steps to involve the affected communities and should take into consideration any barriers (e.g. language, literacy, etc.) which might limit participation. The public participation program should continue during the implementation of the project.

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Although economic and social effects alone do not trigger an Environmental Impact Statement (EIS), an analysis and understand of these impacts is also important. If environmental justice concerns are identified, then the potential interrelated socioeconomic impacts to both the total affected population and to the low-income and/or minority communities of concern should be evaluated. Standard socioeconomic models may need to be modified to properly take into account the special issues which may impact the low-income and/or minority communities.

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Public Meeting Notice

(Application Review and Environmental Concerns)

The **Applicant Name** has applied to the KY Department for Environmental Protection (DEP), for a low interest loan from the Drinking Water State Revolving Fund (DWSRF), funded in part by a grant to KY from the Environmental Protection Agency (EPA). The project is as follows: **Detailed Project Description**.

The **Applicant Name** will hold a public meeting on **Day of Week, Month, Day, Year** at **Time (am/pm)** at the **Location**. **The purpose of this meeting is to allow the public to review and comment on proposed activities, potential impacts, and project alternatives.** Any relevant documents will be on file at **Applicant's Address** for citizen's review during regular business hours.

***Note to applicant:** Please adjust font and spacing to minimize printing costs*

DEVELOPING A LIST OF INTERESTED PARTIES

The applicant must develop a distribution list for a given project based on the types of potential impacts. For Kentucky, land use changes, water pollution, fish and wildlife, population changes, community changes, air pollution, and green space development are typical categories of potential impacts. Other categories may be identified through the environmental review. Therefore, the public notice should be distributed to **local** government and **nongovernment** groups, organizations, and individuals that are interested in these issues. The Division of Water will notify the interested parties on the list provided by the applicant of the environmental review findings.

Examples:

Government

Notices will be sent to the U.S. Fish and Wildlife Service, U.S. Natural Resources and Conservation Service (NRCS District Office) and the KY State Clearinghouse. It is also recommended that public libraries (city and county, if applicable), public health departments, other local newspapers, county clerk, and city clerks receive notifications as well. This would apply to each county included in the project.

Nongovernment

One group or organization may address more than one of the impact categories. Enough **local** groups will be chosen so that all of the categories are covered. For state or national organizations, check the internet for addresses of local chapters.

Land Use Changes

A) County Natural Resource Conservation Service Board

The Board is comprised of citizens elected by the farm owners in their local Federal NRCS District.

B) Area Planning Societies or Groups

Communities, counties, or regions may have a citizens group that has joined together to protect green spaces and rural areas, such as parks or farmland, from uncontrolled urban or industrial development or from land use changes in general. The mayor and county judge offices for the project site should be familiar with those groups and be able to provide contact names and addresses.

Water Pollution or Fish and Wildlife

C) Kentucky Waterways Alliance, River Watershed Watch or Clean Water Watch

D) Audubon Society Local Chapter, Sierra Club Local Chapter, or other Nature Societies

The mayor and county judge offices for the project site should be familiar with those groups and be able to provide contact names and addresses.

E) County Fish and Game Club, Ducks Unlimited Local Chapter

The mayor and county judge offices for the project site should be familiar with those groups and be able to provide contact names and addresses.

Population or Community Changes, Air Pollution, and Green Space Development

F) Community Action Groups, Civic Groups, or Social Justice Groups

G) Parks and Recreation Citizen Boards

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Statutory Cross-Cutters Checklist

Federal Laws and Authorities listed at 40 CFR 6.3

Project Name and DWSRF No. _____

Area of Statutory or Regulatory Compliance	Not Applicable to This Project	Consultation Required*	Review Required*	Permits Required*	Determination of consistency Approvals, Permits Obtained*	Conditions and/or Mitigation Actions Required	Provide compliance documentation. Additional material may be attached.
Historic Properties							
Floodplain Management							
Wetlands Protection							
Interbasin Water Transfer							
Water Quality - Aquifers							
Endangered Species							
Wild and Scenic Rivers							
Air Quality							
Farmlands Protection							
Environmental Justice							

State or Local Statutes (to be added by Responsible Entity)

* Attach evidence that required actions have been taken.

Continued on next page

P.2 of 2

Statutory Cross-Cutters Checklist (continued)

Project Name and Identification No. _____

Summary of Findings and Conclusions:

Summary of Environmental Conditions:

Project Modifications and Alternatives Considered:

Additional Studies Performed: (Attach study or summary)

Mitigation Measures Needed:

Prepared by:

Title:

Date:

GUIDELINES FOR ASSEMBLING AN ENVIRONMENTAL INFORMATION DOCUMENT FOR DRINKING WATER PROJECTS

DRINKING WATER STATE REVOLVING FUND LOAN (DWSRF)

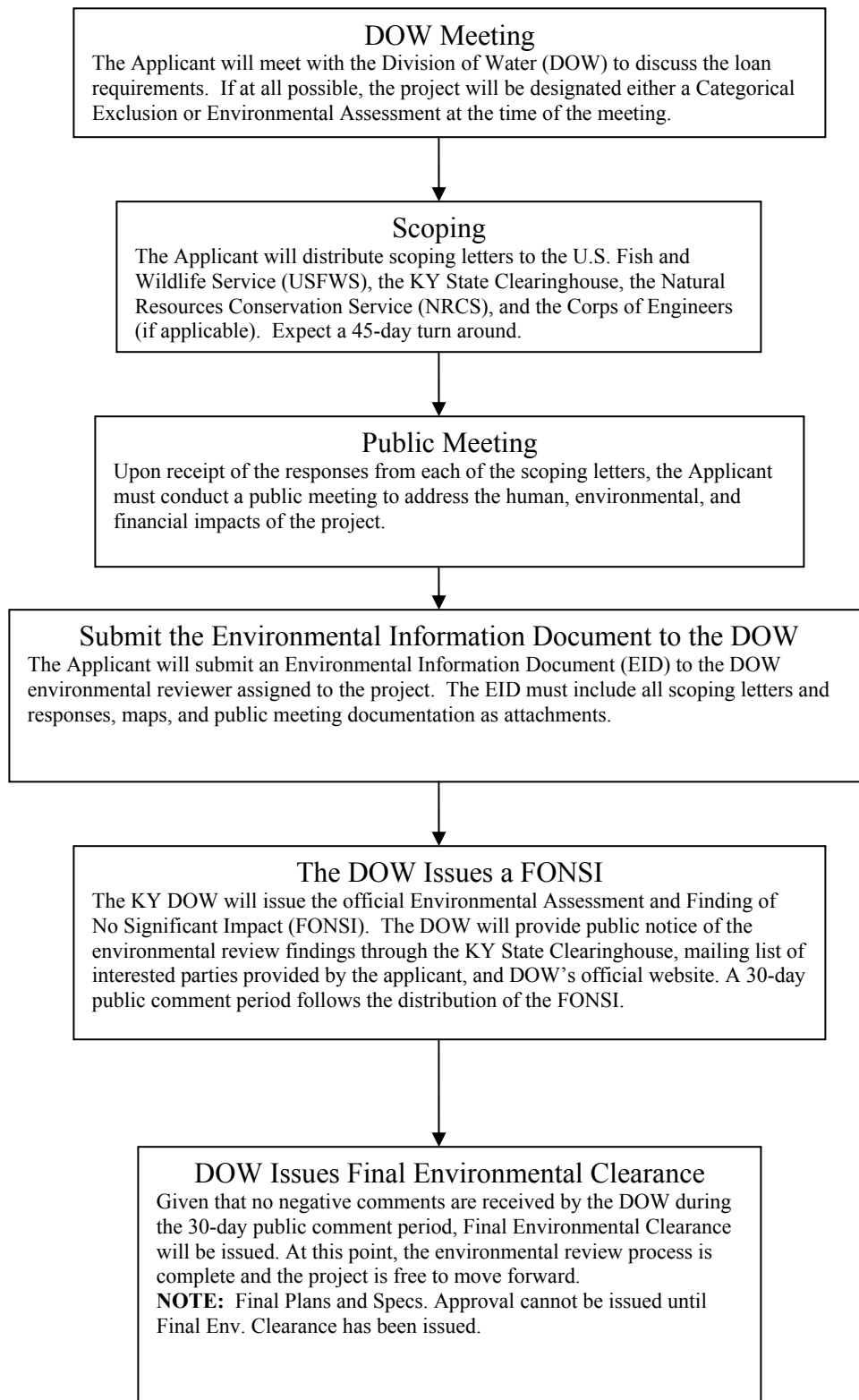


**Department for Environmental Protection
Energy and Environment Cabinet
Division of Water
2009**

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Environmental Review Flow Chart



Environmental Review Guidelines for DWSRF Projects

The following is an outline of the environmental review requirements for Drinking Water State Revolving Fund (DWSRF) funded projects.

The DWSRF follows a National Environmental Policy Act (NEPA)-like process. The Water Infrastructure Branch environmental reviewer reviews all DWSRF projects to assure compliance with Kentucky's State Environmental Review Process (SERP) and other environmental laws and regulations, such as the Endangered Species Act, Farmland Protection Policy Act, etc.

Categorical Exclusions (CEs) are identified categories of actions, which do not have a significant effect on the quality of the environment. The Water Infrastructure Branch, will determine eligibility for a CE. A list of criteria for a CE is attached. For all projects that are not eligible for Categorical Exclusion, an Environmental Information Document (EID) must be completed. An EID describes and evaluates the environmental impacts of the feasible alternatives, including the 'No Action' alternative. The scope of the EID should be commensurate with the size and significance of the proposed project.

Prior to the preparation of a CE or an EID, the applicant should obtain concurrence for the proposed project from the crosscutters, such as the State's Historical Commission, the US Fish and Wildlife Service, the Natural Resources Conservation Service, and the US Army Corps of Engineers (wetlands, Section 404 permits, dredge and fill, structures placed in navigable waterways.) The attached cross-cutters checklist will need to be submitted with the abovementioned correspondence.

The Division of Water (DOW) reviews the EID and makes a determination as to the environmental affects of the proposed project. If the project is found to have no significant effect, then the DOW documents their findings with the preparation of an Environmental Assessment (EA) and issues a Finding of No Significant Impact (FONSI) for a 30-day comment period. Completion of the 30-day comment period without significant adverse opposition will complete the environmental review process. If the DOW cannot support a FONSI, the applicant will be required to take part in an Environmental Impact Statement.

For projects requiring an EA, public participation should be included in the project planning process culminating in a public meeting or hearing that presents the proposed project to the public and includes discussion of both environmental and financial impacts. A tear sheet, newspaper affidavit, meeting minutes, and a list of interested parties should be submitted as record of the meeting.

Please forward all questions regarding the environmental review process to Amanda Yearly, (502) 564-3410, ext. 4839.

CROSS-CUTTERS GENERAL CONTACT INFORMATION

Kentucky State Clearinghouse – The e-Clearinghouse rotation will encompass comments from the following environmental authorities:

- Archaeological and Historic Preservation Act of 1974 (PL 86-523, as amended)
- Clean Air Act (PL 84-159, as amended)
- Floodplain Management, Executive Order 11988, as amended by 12148
- National Historic Preservation Act of 1966 (PL 89-665, as amended)
- Wild and Scenic Rivers Act (PL 90-542, as amended)
- State Wild Rivers and Outstanding Resource Waters
- State Water Withdrawal Permits
- Kentucky Pollutant Discharge Elimination System (for storm water discharge permit)
- KY Fish and Wildlife (NOT the same as U.S. Fish and Wildlife Service)
- Department of Transportation

Contact:

Kentucky State Clearinghouse
Ms. Lee Nalley
1024 Capitol Center Drive
Frankfort, KY 40601-8204
Phone: 502.573.2382

U.S. Fish and Wildlife Service (USFWS)– Endangered Species Act (PL 93-205, as amended), Fish and Wildlife Coordination Act (PL 85-624, as amended). Kentucky has a USFWS field office located in Frankfort. Send requests for comments to:

Mr. Virgil Lee Andrews, Jr., Field Office Supervisor
U.S. Department of the Interior
Fish and Wildlife Service
J.C. Watts Federal Building
330 West Broadway, Suite 265
Frankfort, KY 40601
Phone: 502.695.0468
Fax: 502.695.1024

Website: www.fws.gov, click on “Offices” for information on regional office locations, contacts, etc. For projects near Kentucky’s borders with other states, the USFWS field office for the adjoining state must also be contacted. Projects as far as 10 miles from the border could be considered “near” due to species such as the Indiana bat.

U.S. Natural Resources Conservation Service (NRCS) – Farmland Protection Policy Act (PL 97-98). For district office addresses, go to their website at www.ky.nrcs.usda.gov. Click on “Find a Service Center” then click on the appropriate state and county for contact information.

*If potential impacts have been identified as a result of the proposed DWSRF project, the following agencies may need to be contacted, depending on the environmental effect:

Wetlands Determination- U.S. Army Corps of Engineers (USACE)
Floodplains- DOW, Federal Emergency Management Agency (FEMA), USACE
Drinking Water Sole Source Aquifer- DOW

SAMPLE: CROSS-CUTTERS SCOPING LETTER

May 11, 2009

Mr. Virgil Lee Andrews, Jr., Field Office Supervisor
U.S. Department of the Interior
Fish and Wildlife Service
J.C. Watts Federal Building
330 West Broadway, Suite 265
Frankfort, KY 40601

RE: Avenstoke Waterline Extension Project

Dear Mr. Andrews:

The city of Hilton Head is in the process of conducting an environmental review pursuant to the State Environmental Review Process for the Kentucky Division of Water, Drinking Water State Revolving Fund, low-interest loan program. The purpose of the review is to assess the environmental impacts of the Avenstoke Waterline Extension Project located in Savannah County.

Enclosed is a map that shows the location of the proposed project. The project will consist of 5,280 linear feet of PVC waterline, two pump stations, and a 1 million gallon elevated water storage tank to serve approximately 300 households presently without potable water service. The majority of the waterline extension and appurtenances will be located within transportation rights-of-way which have been previously disturbed, however, a small portion of the project will stretch cross-country, as demonstrated in the attached map.

Please advise us of any present concerns your office may have related to possible effects of the abovementioned project on threatened or endangered species or critical wildlife habitat.

We would appreciate a response within 30 days, if possible. If you need any further information or wish to discuss the project, please contact me at _____.

Regards,

Enclosure- Map

Environmental Information Document (EID)

Outline for Drinking Water Projects

Environmental Information Document: An EID is required when the cabinet determines that a project does not qualify for a CE. The applicant shall prepare an EID in consultation with the cabinet. The EID shall be of sufficient scope and content to enable the cabinet to prepare an EA and FONSI. The EID is to be submitted to the DOW, Drinking Water Environmental Reviewer. The EID shall adhere to the following format:

H. Proposed Project and Funding Sources: This section shall include a description of the project, the need for the project, and the cost of the project.

- The project description should include the project name, owner of the facilities, location, planning area description, list of affected utilities, population, and the major components of the project.
- The need for the project should be briefly stated. More information for the need for the project will be presented later in the EID.
- Project costs should include proposed total project costs and all funding sources for the entire project.
- A location map and USGS topography map of the project area, showing existing and proposed infrastructure should also be included. The location of major project components should be clearly identified, such as treatment works, waterlines, pump stations, and water storage tanks.

I. Existing Environment: This section should describe aspects of the natural environment of the planning area that affected the alternative selection process or could be affected by implementing the plan.

- A description of surface waters and their quality is needed in every case with specific reference to any wild and scenic rivers and any impaired surface waters in the project area, watershed name and hydrologic unit code. Identify any public health problems related to poor water quality;
- Existing and potential groundwater quality problems;
- Threatened or endangered species as set forth in Endangered Species Act, Pub. L 93-205, as amended;
- Suitability of soils and topography for on-site sewage disposal systems that might be affected by the introduction of potable water service;
- Local ambient air quality;
- Important farmlands, as set forth in the Farmland Protection Policy Act (7 U.S.C. §§ 4201 to 4209);
- Cultural resource areas, as set forth in the National Historic Preservation Act (16 U.S.C. §§ 470 to 470x-6) and the Archeological and Historic Preservation Act (16 U.S.C. §§ 469);

- Environmental justice concerns, as set forth in Executive Order 12898. Briefly describe any minority and/or low-income populations which exist within the overall planning area or which may otherwise be impacted by the projects. If these areas would be affected by an alternative under consideration, more detail should be provided.
- Special or sensitive environmental areas such as wetlands; areas of recognized scenic or recreational value; floodplains; and parkland or other public lands.

- J. Existing Drinking Water System/ Wastewater Capacity: This section should include a description of the existing treatment and distribution system, water demand (average and peak), surface water sources including intake locations and permitted and actual withdrawal, groundwater sources, location of wells and well fields, water storage, raw water characteristics, residual and backwash disposal and the service area. This section should also include a general description of the wastewater collection and treatment system for the planning area. Describe existing collection, transport, treatment and sludge facilities. The service area(s) of these facilities should be described briefly and shown on an attached figure. Include the condition of the facilities, especially as it affects alternative selection. For existing treatment plants, state:
- Original design capacity and current production
 - Existing permit limits
 - Actual performance over a recent period

Where septic tanks are prevalent in all or part of the service planning area, their performance should be described. Explain any problems and provide details about the location and severity of the problems in relation to the proposed project. Also include existing system performance for all facilities.

- K. Need for Proposed Facilities and Actions: This section should provide a summary of the need for water facilities or actions, emphasizing existing public health or water quality problems. These problems typically include water quality violations or problems, documented public health hazards, existing facility overload, insufficient capacity for projected demand, failing groundwater wells, and insufficient pressure. Other special situations may justify proposed facilities and should be included.

Include the planning period for the project. The planning period should justify the capacity of the system with its projected population. Population projections should be based on U.S. Census projections or some recognized source of demographic data.

- L. Alternative Analysis: All alternatives analyzed should be described. The development of alternatives should include the no-action alternative, optimum utilization of existing facilities including flow reduction and water conservation, and new construction alternatives. An explanation should be given for rejecting or selecting alternatives. The explanation should include

cost comparisons, including present worth or equivalent annual cost comparisons; reliability of the alternatives; complexity of the alternatives; significant environmental effects; and legal or institutional constraints. Identify which reasonable alternative was selected and state the reasons why this alternative was chosen.

M. Environmental Consequences; Mitigative Measures: This section should describe and document the environmental effects of the selected alternative. Address the direct, indirect, and cumulative impacts for each aspect. This section should also describe anticipated impacts on the environment and measures proposed to mitigate those adverse impacts. Discuss any recommendations from the crosscutting agencies that implement environmental laws and include agency approval letters in an appendix to the EID. The applicant shall resolve all comments from the Kentucky State eClearinghouse, or the clearinghouse's successor, the U.S. Fish and Wildlife Service, the U.S. Corps of Engineers, and the Natural Resources Conservation Service. All correspondence, including attachments submitted to and from the crosscutting agencies concerning the proposed project, shall be submitted as part of the EID. The documentation shall include evidence that the agencies generating the comments are satisfied with the applicant's responses and/or commitment to mitigation measures.

N. Public Participation; Sources Consulted: This section should include a summary of all public participation, including meetings, noting any public comments.

Public Notice: For all projects that have not been categorically excluded, the applicant shall provide the public with notice of the project by publishing one or more notices in the local newspaper. The notice shall be published at least fifteen (15) days before the public meeting.

All public notices shall contain the following information:

- The name and address of the applicant and the entity that drafted the EID
- A brief description of the proposed project and the area the project will serve
- The name, address, and telephone number of persons from whom interested parties may obtain information
- A brief description of how the public may comment
- The date, time, and place of the meeting
- A brief description of the nature and purpose of the meeting

Public Comment: The public shall be given an opportunity to comment on the EID and the period for comment shall remain open for thirty (30) days from the date of the first publication of the notice of the public meeting or until the termination of the meeting, whichever is later.

- The public may request longer comment periods, which may be granted by the applicant at its discretion.
- Any person may submit comments or oral statements and data to the applicant, who may set reasonable limits upon the time allotted for oral statements and may require that statements be submitted in writing.
- All persons who believe that any condition of the EID is inappropriate, inaccurate, incomplete, or otherwise not in the best interest of the public and the environment, shall raise all reasonably ascertainable issues and submit all reasonably available arguments and factual background supporting their position, including all supporting materials to the applicant by the close of the public comment period.

Public Meeting: The public meeting shall include the following discussions:

- Scope of the project
- Project cost
- Alternatives that were considered during planning
- Estimated user charges
- Estimated hook-up fees
- Any required mitigation

The applicant shall submit as part of the EID a copy of the advertisement for the public meeting, a copy of the minutes of the meeting, and any written comments and responses. In addition, the EID shall include a list of all sources consulted for information and/or concurrence. The Kentucky State eClearinghouse shall be one of the entities consulted.

Guidelines for Environmental Justice (EJ) Review

The following is a brief summary of these requirements as they relate to the preparation of Environmental Information Documents (EIDs) and Environmental Assessments (EAs) for wastewater and drinking water construction projects. The preparer of the EID (the applicant or their representative) should read the guidance and any supporting information. Additional information and updates on Environmental Justice can be obtained from the EPA Region 4 website (<http://www.epa.gov/region4/water/>). The full document can be found at: <http://ceq.eh.doe.gov/nepa/regs/ej/justice.pdf>

In preparing the EID, the applicant must identify any minority populations and low-income populations which exist within the overall planning area or which may otherwise be impacted by the project (e.g. downstream or downwind communities). Native American communities, including their traditional resource areas are included. Once identified the grantee must determine the impact of the proposed project on these EJ communities. The following questions must be addressed in the EID. [Note: In evaluating the project's impact, the grantee must be aware of EJ communities which are outside of the service area of the proposed project. The grantee may need to address why such areas were not included in the proposed project, as well as other impacts on these EJ communities.]

4) Does there exist a potential for disproportionate risk?

This question needs to be answered for all the alternatives which are being evaluated. If one or more alternatives may pose a risk, then mitigative measures should be included for those alternatives. In evaluating the alternatives, mitigative measures should be taken into account including any barriers (e.g. funding limitations) to implementing these mitigative measures. If an alternative with mitigative measures is selected, then there must be a commitment, including adequate funding, to undertake these mitigative measures. A disproportionate risk may also be one of exclusion. As an example, a sewerline project serving a portion of the community, but not serving an EJ community may increase the relative risks to that EJ community. Other impacts, such as cultural, historical, or protected resources of value to the EJ community must also be considered even when these resources are located apart from those communities. It should be noted that the goal of developing reasonable alternatives is not to move the impacts around, but to identify viable alternative actions that meet the program goals.

5) Have the identified EJ communities been sufficiently involved in the decision-making process?

Following identification of EJ communities, the grantee must evaluate how these communities are currently involved in local decision-making processes (e.g. representation on elected councils, commissions, etc.) and identify any barriers which might exist to bringing these communities into the decision-making process (e.g. language barriers, literacy levels, etc.)

- 6) Do the identified EJ communities currently suffer or have they historically suffered from environmental and health risk or hazards?

In answering this question, the impacts of the proposed project on the environmental and public health should be the starting point. Since drinking water and wastewater projects are generally beneficial to the public health, the grantee may be able to show a positive impact. Issues may arise relating to new or increased discharges of pollutants. EJ communities may have a greater dependence on natural resources (e.g. subsistence fishing), they generally have less access to adequate health care, and they may have a higher exposure to other pollutants (e.g. pesticides in farming communities).

If disproportionately high or adverse impacts on EJ communities are identified, then the grantee should reevaluate the alternatives and mitigative measures. Additional public participation should be undertaken. Effective public involvement strategies have four common characteristics: inclusiveness (all affected communities and stakeholders are represented), representation (representatives must truly reflect the community's or stakeholder's views), parity (all stakeholder groups have equal opportunity and capacity), and communication (account for differences between groups).

The identification of EJ communities should be done early in the process. Since the project can not go forward until the reviewer is satisfied that any EJ issues have been identified and any adverse risk addressed, this analysis should be done as soon as possible. If the need arises to revise the EID, or to have additional public participation or hearings, or to prepare an EIS, then disproportionately high risk early in the project development then mitigative measures can more easily be incorporated into the project. Or if risks can not be mitigated, and they are identified early on, the preparation of an EIS can proceed with fewer delays.

Procedures

- D) In preparing the EID, an ecological assessment is conducted identifying the natural resources that will be used by the project and the potentially affected environments that may be impacted by the project. Then the potential changes and impacts of the proposed action and alternative actions are assessed.

Minority populations and low-income populations are identified which either are located within the general area served by the project or use resources within the general area. Information on these populations is compiled including socioeconomic factors, resource uses, special health concerns, etc. If minority and/or low-income populations are identified, then public participation efforts are developed to involve these communities. The public participation program should take extra steps to involve the affected communities and should take into consideration any barriers (e.g. language, literacy, etc.) which might limit participation. The public participation program should continue during the implementation of the project.

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The **Applicant Name** will hold a public meeting on **Day of Week, Month, Day, Year** at **Time (am/pm)** at the **Location**. **The purpose of this meeting is to allow the public to review and comment on proposed activities, potential impacts, and project alternatives.** Any relevant documents will be on file at **Applicant's Address** for citizen's review during regular business hours.

***Note to applicant:** Please adjust font and spacing to minimize printing costs*

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Notices will be sent to the U.S. Fish and Wildlife Service, U.S. Natural Resources and Conservation Service (NRCS District Office) and the KY State Clearinghouse. It is also recommended that public libraries (city and county, if applicable), public health departments, other local newspapers, county clerk, and city clerks receive notifications as well. This would apply to each county included in the project.

Nongovernment

One group or organization may address more than one of the impact categories. Enough **local** groups will be chosen so that all of the categories are covered. For state or national organizations, check the internet for addresses of local chapters.

Land Use Changes

H) County Natural Resource Conservation Service Board

The Board is comprised of citizens elected by the farm owners in their local Federal NRCS District.

I) Area Planning Societies or Groups

Communities, counties, or regions may have a citizens group that has joined together to protect green spaces and rural areas, such as parks or farmland, from uncontrolled urban or industrial development or from land use changes in general. The mayor and county judge offices for the project site should be familiar with those groups and be able to provide contact names and addresses.

Water Pollution or Fish and Wildlife

J) Kentucky Waterways Alliance, River Watershed Watch or Clean Water Watch

K) Audubon Society Local Chapter, Sierra Club Local Chapter, or other Nature Societies

The mayor and county judge offices for the project site should be familiar with those groups and be able to provide contact names and addresses.

L) County Fish and Game Club, Ducks Unlimited Local Chapter

The mayor and county judge offices for the project site should be familiar with those groups and be able to provide contact names and addresses.

Population or Community Changes, Air Pollution, and Green Space Development

M) Community Action Groups, Civic Groups, or Social Justice Groups

N) Parks and Recreation Citizen Boards

The mayor and county judge offices for the project site should be familiar with those groups and be able to provide contact names and addresses.

Statutory Cross-Cutters Checklist

Federal Laws and Authorities listed at 40 CFR 6.3

Project Name and DWSRF No. _____

Area of Statutory or Regulatory Compliance	Not Applicable to This Project	Consultation Required*	Review Required*	Permits Required*	Determination of consistency Approvals, Permits Obtained*	Conditions and/or Mitigation Actions Required	Provide compliance documentation. Additional material may be attached.
Historic Properties							
Floodplain Management							
Wetlands Protection							
Interbasin Water Transfer							
Water Quality - Aquifers							
Endangered Species							
Wild and Scenic Rivers							
Air Quality							
Farmlands Protection							
Environmental Justice							

State or Local Statutes (to be added by Responsible Entity)

* Attach evidence that required actions have been taken.

Continued on next page

P.2 of 2

Statutory Cross-Cutters Checklist (continued)

Project Name and Identification No. _____

Summary of Findings and Conclusions:

Summary of Environmental Conditions:

Project Modifications and Alternatives Considered:

Additional Studies Performed:

(Attach study or summary)

Mitigation Measures Needed:

Prepared by:

Title:

Date:

GUIDELINES FOR ASSEMBLING AN ENVIRONMENTAL INFORMATION DOCUMENT FOR DRINKING WATER PROJECTS

DRINKING WATER STATE REVOLVING FUND LOAN (DWSRF)



**Department for Environmental Protection
Energy and Environment Cabinet
Division of Water
2009**

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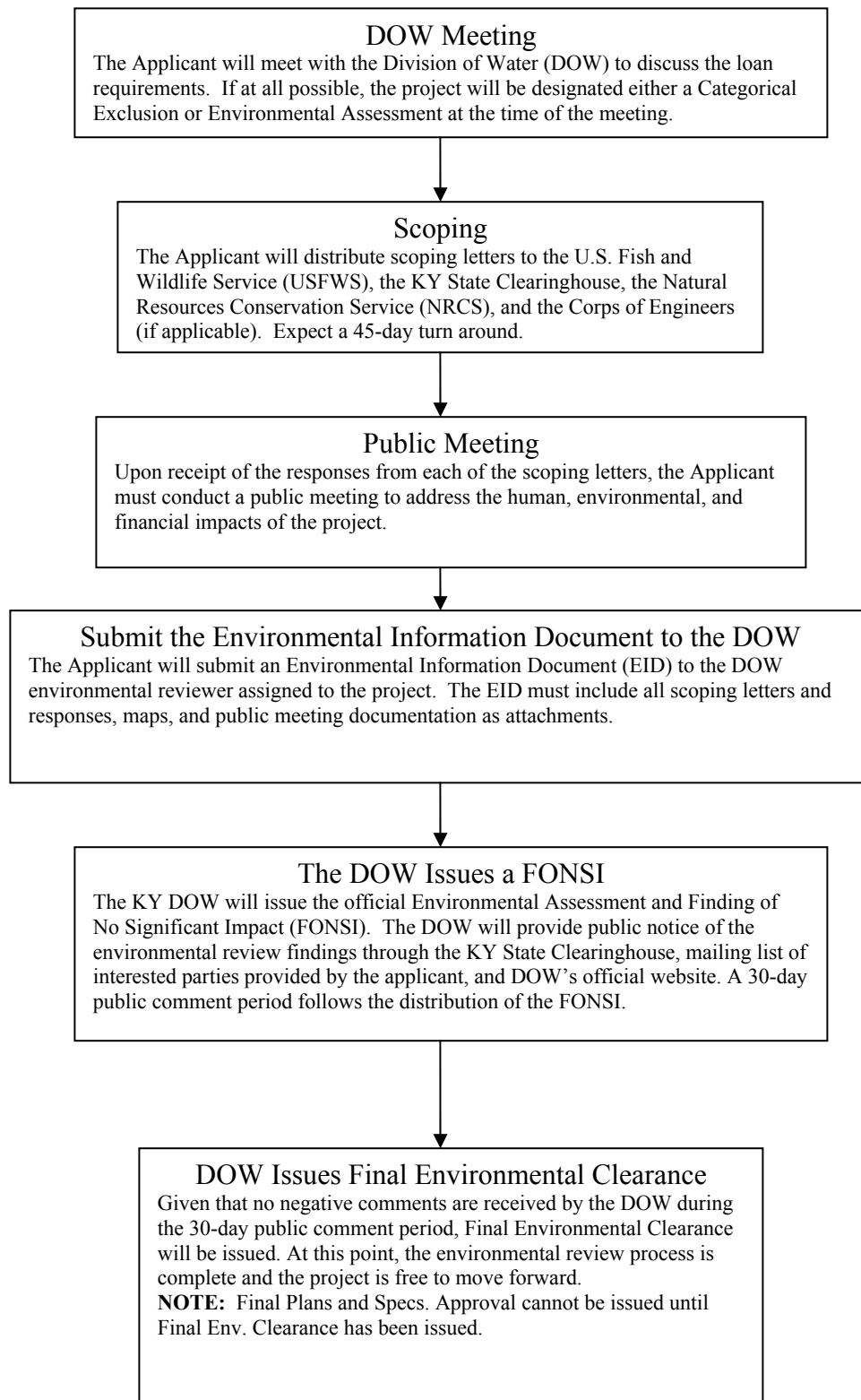
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Environmental Review Guidelines for DWSRF Projects

The following is an outline of the environmental review requirements for Drinking Water State Revolving Fund (DWSRF) funded projects.

The DWSRF follows a National Environmental Policy Act (NEPA)-like process. The Water Infrastructure Branch environmental reviewer reviews all DWSRF projects to assure compliance with Kentucky's State Environmental Review Process (SERP) and other environmental laws and regulations, such as the Endangered Species Act, Farmland Protection Policy Act, etc.

Categorical Exclusions (CEs) are identified categories of actions, which do not have a significant effect on the quality of the environment. The Water Infrastructure Branch, will determine eligibility for a CE. A list of criteria for a CE is attached. For all projects that are not eligible for Categorical Exclusion, an Environmental Information Document (EID) must be completed. An EID describes and evaluates the environmental impacts of the feasible alternatives, including the 'No Action' alternative. The scope of the EID should be commensurate with the size and significance of the proposed project.

Prior to the preparation of a CE or an EID, the applicant should obtain concurrence for the proposed project from the crosscutters, such as the State's Historical Commission, the US Fish and Wildlife Service, the Natural Resources Conservation Service, and the US Army Corps of Engineers (wetlands, Section 404 permits, dredge and fill, structures placed in navigable waterways.) The attached cross-cutters checklist will need to be submitted with the abovementioned correspondence.

The Division of Water (DOW) reviews the EID and makes a determination as to the environmental affects of the proposed project. If the project is found to have no significant effect, then the DOW documents their findings with the preparation of an Environmental Assessment (EA) and issues a Finding of No Significant Impact (FONSI) for a 30-day comment period. Completion of the 30-day comment period without significant adverse opposition will complete the environmental review process. If the DOW cannot support a FONSI, the applicant will be required to take part in an Environmental Impact Statement.

For projects requiring an EA, public participation should be included in the project planning process culminating in a public meeting or hearing that presents the proposed project to the public and includes discussion of both environmental and financial impacts. A tear sheet, newspaper affidavit, meeting minutes, and a list of interested parties should be submitted as record of the meeting.

Please forward all questions regarding the environmental review process to Amanda Yearly, (502) 564-3410, ext. 4839.

CROSS-CUTTERS GENERAL CONTACT INFORMATION

Kentucky State Clearinghouse – The e-Clearinghouse rotation will encompass comments from the following environmental authorities:

- Archaeological and Historic Preservation Act of 1974 (PL 86-523, as amended)
- Clean Air Act (PL 84-159, as amended)
- Floodplain Management, Executive Order 11988, as amended by 12148
- National Historic Preservation Act of 1966 (PL 89-665, as amended)
- Wild and Scenic Rivers Act (PL 90-542, as amended)
- State Wild Rivers and Outstanding Resource Waters
- State Water Withdrawal Permits
- Kentucky Pollutant Discharge Elimination System (for storm water discharge permit)
- KY Fish and Wildlife (NOT the same as U.S. Fish and Wildlife Service)
- Department of Transportation

Contact:

Kentucky State Clearinghouse
Ms. Lee Nalley
1024 Capitol Center Drive
Frankfort, KY 40601-8204
Phone: 502.573.2382

U.S. Fish and Wildlife Service (USFWS)– Endangered Species Act (PL 93-205, as amended), Fish and Wildlife Coordination Act (PL 85-624, as amended). Kentucky has a USFWS field office located in Frankfort. Send requests for comments to:

Mr. Virgil Lee Andrews, Jr., Field Office Supervisor
U.S. Department of the Interior
Fish and Wildlife Service
J.C. Watts Federal Building
330 West Broadway, Suite 265
Frankfort, KY 40601
Phone: 502.695.0468
Fax: 502.695.1024

Website: www.fws.gov, click on “Offices” for information on regional office locations, contacts, etc. For projects near Kentucky’s borders with other states, the USFWS field office for the adjoining state must also be contacted. Projects as far as 10 miles from the border could be considered “near” due to species such as the Indiana bat.

U.S. Natural Resources Conservation Service (NRCS) – Farmland Protection Policy Act (PL 97-98). For district office addresses, go to their website at www.kv.nrcs.usda.gov. Click on “Find a Service Center” then click on the appropriate state and county for contact information.

*If potential impacts have been identified as a result of the proposed DWSRF project, the following agencies may need to be contacted, depending on the environmental effect:

Wetlands Determination- U.S. Army Corps of Engineers (USACE)
Floodplains- DOW, Federal Emergency Management Agency (FEMA), USACE
Drinking Water Sole Source Aquifer- DOW

SAMPLE: CROSS-CUTTERS SCOPING LETTER

May 11, 2009

Mr. Virgil Lee Andrews, Jr., Field Office Supervisor
U.S. Department of the Interior
Fish and Wildlife Service
J.C. Watts Federal Building
330 West Broadway, Suite 265
Frankfort, KY 40601

RE: Avenstoke Waterline Extension Project

Dear Mr. Andrews:

The city of Hilton Head is in the process of conducting an environmental review pursuant to the State Environmental Review Process for the Kentucky Division of Water, Drinking Water State Revolving Fund, low-interest loan program. The purpose of the review is to assess the environmental impacts of the Avenstoke Waterline Extension Project located in Savannah County.

Enclosed is a map that shows the location of the proposed project. The project will consist of 5,280 linear feet of PVC waterline, two pump stations, and a 1 million gallon elevated water storage tank to serve approximately 300 households presently without potable water service. The majority of the waterline extension and appurtenances will be located within transportation rights-of-way which have been previously disturbed, however, a small portion of the project will stretch cross-country, as demonstrated in the attached map.

Please advise us of any present concerns your office may have related to possible effects of the abovementioned project on threatened or endangered species or critical wildlife habitat.

We would appreciate a response within 30 days, if possible. If you need any further information or wish to discuss the project, please contact me at _____.

Regards,

Enclosure- Map

Environmental Information Document (EID)

Outline for Drinking Water Projects

Environmental Information Document: An EID is required when the cabinet determines that a project does not qualify for a CE. The applicant shall prepare an EID in consultation with the cabinet. The EID shall be of sufficient scope and content to enable the cabinet to prepare an EA and FONSI. The EID is to be submitted to the DOW, Drinking Water Environmental Reviewer. The EID shall adhere to the following format:

O. Proposed Project and Funding Sources: This section shall include a description of the project, the need for the project, and the cost of the project.

- The project description should include the project name, owner of the facilities, location, planning area description, list of affected utilities, population, and the major components of the project.
- The need for the project should be briefly stated. More information for the need for the project will be presented later in the EID.
- Project costs should include proposed total project costs and all funding sources for the entire project.
- A location map and USGS topography map of the project area, showing existing and proposed infrastructure should also be included. The location of major project components should be clearly identified, such as treatment works, waterlines, pump stations, and water storage tanks.

P. Existing Environment: This section should describe aspects of the natural environment of the planning area that affected the alternative selection process or could be affected by implementing the plan.

- A description of surface waters and their quality is needed in every case with specific reference to any wild and scenic rivers and any impaired surface waters in the project area, watershed name and hydrologic unit code. Identify any public health problems related to poor water quality;
- Existing and potential groundwater quality problems;
- Threatened or endangered species as set forth in Endangered Species Act, Pub. L 93-205, as amended;
- Suitability of soils and topography for on-site sewage disposal systems that might be affected by the introduction of potable water service;
- Local ambient air quality;
- Important farmlands, as set forth in the Farmland Protection Policy Act (7 U.S.C. §§ 4201 to 4209);
- Cultural resource areas, as set forth in the National Historic Preservation Act (16 U.S.C. §§ 470 to 470x-6) and the Archeological and Historic Preservation Act (16 U.S.C. §§ 469);

- Environmental justice concerns, as set forth in Executive Order 12898. Briefly describe any minority and/or low-income populations which exist within the overall planning area or which may otherwise be impacted by the projects. If these areas would be affected by an alternative under consideration, more detail should be provided.
- Special or sensitive environmental areas such as wetlands; areas of recognized scenic or recreational value; floodplains; and parkland or other public lands.

Q. Existing Drinking Water System/ Wastewater Capacity: This section should include a description of the existing treatment and distribution system, water demand (average and peak), surface water sources including intake locations and permitted and actual withdrawal, groundwater sources, location of wells and well fields, water storage, raw water characteristics, residual and backwash disposal and the service area. This section should also include a general description of the wastewater collection and treatment system for the planning area. Describe existing collection, transport, treatment and sludge facilities. The service area(s) of these facilities should be described briefly and shown on an attached figure. Include the condition of the facilities, especially as it affects alternative selection. For existing treatment plants, state:

- Original design capacity and current production
- Existing permit limits
- Actual performance over a recent period

Where septic tanks are prevalent in all or part of the service planning area, their performance should be described. Explain any problems and provide details about the location and severity of the problems in relation to the proposed project. Also include existing system performance for all facilities.

R. Need for Proposed Facilities and Actions: This section should provide a summary of the need for water facilities or actions, emphasizing existing public health or water quality problems. These problems typically include water quality violations or problems, documented public health hazards, existing facility overload, insufficient capacity for projected demand, failing groundwater wells, and insufficient pressure. Other special situations may justify proposed facilities and should be included.

Include the planning period for the project. The planning period should justify the capacity of the system with its projected population. Population projections should be based on U.S. Census projections or some recognized source of demographic data.

S. Alternative Analysis: All alternatives analyzed should be described. The development of alternatives should include the no-action alternative, optimum utilization of existing facilities including flow reduction and water conservation, and new construction alternatives. An explanation should be given for rejecting or selecting alternatives. The explanation should include

cost comparisons, including present worth or equivalent annual cost comparisons; reliability of the alternatives; complexity of the alternatives; significant environmental effects; and legal or institutional constraints. Identify which reasonable alternative was selected and state the reasons why this alternative was chosen.

T. Environmental Consequences; Mitigative Measures: This section should describe and document the environmental effects of the selected alternative. Address the direct, indirect, and cumulative impacts for each aspect. This section should also describe anticipated impacts on the environment and measures proposed to mitigate those adverse impacts. Discuss any recommendations from the crosscutting agencies that implement environmental laws and include agency approval letters in an appendix to the EID. The applicant shall resolve all comments from the Kentucky State eClearinghouse, or the clearinghouse's successor, the U.S. Fish and Wildlife Service, the U.S. Corps of Engineers, and the Natural Resources Conservation Service. All correspondence, including attachments submitted to and from the crosscutting agencies concerning the proposed project, shall be submitted as part of the EID. The documentation shall include evidence that the agencies generating the comments are satisfied with the applicant's responses and/or commitment to mitigation measures.

U. Public Participation; Sources Consulted: This section should include a summary of all public participation, including meetings, noting any public comments.

Public Notice: For all projects that have not been categorically excluded, the applicant shall provide the public with notice of the project by publishing one or more notices in the local newspaper. The notice shall be published at least fifteen (15) days before the public meeting.

All public notices shall contain the following information:

- The name and address of the applicant and the entity that drafted the EID
- A brief description of the proposed project and the area the project will serve
- The name, address, and telephone number of persons from whom interested parties may obtain information
- A brief description of how the public may comment
- The date, time, and place of the meeting
- A brief description of the nature and purpose of the meeting

Public Comment: The public shall be given an opportunity to comment on the EID and the period for comment shall remain open for thirty (30) days from the date of the first publication of the notice of the public meeting or until the termination of the meeting, whichever is later.

- The public may request longer comment periods, which may be granted by the applicant at its discretion.
- Any person may submit comments or oral statements and data to the applicant, who may set reasonable limits upon the time allotted for oral statements and may require that statements be submitted in writing.
- All persons who believe that any condition of the EID is inappropriate, inaccurate, incomplete, or otherwise not in the best interest of the public and the environment, shall raise all reasonably ascertainable issues and submit all reasonably available arguments and factual background supporting their position, including all supporting materials to the applicant by the close of the public comment period.

Public Meeting: The public meeting shall include the following discussions:

- Scope of the project
- Project cost
- Alternatives that were considered during planning
- Estimated user charges
- Estimated hook-up fees
- Any required mitigation

The applicant shall submit as part of the EID a copy of the advertisement for the public meeting, a copy of the minutes of the meeting, and any written comments and responses. In addition, the EID shall include a list of all sources consulted for information and/or concurrence. The Kentucky State eClearinghouse shall be one of the entities consulted.

Guidelines for Environmental Justice (EJ) Review

The following is a brief summary of these requirements as they relate to the preparation of Environmental Information Documents (EIDs) and Environmental Assessments (EAs) for wastewater and drinking water construction projects. The preparer of the EID (the applicant or their representative) should read the guidance and any supporting information. Additional information and updates on Environmental Justice can be obtained from the EPA Region 4 website (<http://www.epa.gov/region4/water/>). The full document can be found at: <http://ceq.eh.doe.gov/nepa/regs/ej/justice.pdf>

In preparing the EID, the applicant must identify any minority populations and low-income populations which exist within the overall planning area or which may otherwise be impacted by the project (e.g. downstream or downwind communities). Native American communities, including their traditional resource areas are included. Once identified the grantee must determine the impact of the proposed project on these EJ communities. The following questions must be addressed in the EID. [Note: In evaluating the project's impact, the grantee must be aware of EJ communities which are outside of the service area of the proposed project. The grantee may need to address why such areas were not included in the proposed project, as well as other impacts on these EJ communities.]

7) Does there exist a potential for disproportionate risk?

This question needs to be answered for all the alternatives which are being evaluated. If one or more alternatives may pose a risk, then mitigative measures should be included for those alternatives. In evaluating the alternatives, mitigative measures should be taken into account including any barriers (e.g. funding limitations) to implementing these mitigative measures. If an alternative with mitigative measures is selected, then there must be a commitment, including adequate funding, to undertake these mitigative measures. A disproportionate risk may also be one of exclusion. As an example, a sewerline project serving a portion of the community, but not serving an EJ community may increase the relative risks to that EJ community. Other impacts, such as cultural, historical, or protected resources of value to the EJ community must also be considered even when these resources are located apart from those communities. It should be noted that the goal of developing reasonable alternatives is not to move the impacts around, but to identify viable alternative actions that meet the program goals.

8) Have the identified EJ communities been sufficiently involved in the decision-making process?

Following identification of EJ communities, the grantee must evaluate how these communities are currently involved in local decision-making processes (e.g. representation on elected councils, commissions, etc.) and identify any barriers which might exist to bringing these communities into the decision-making process (e.g. language barriers, literacy levels, etc.)

- 9) Do the identified EJ communities currently suffer or have they historically suffered from environmental and health risk or hazards?

In answering this question, the impacts of the proposed project on the environmental and public health should be the starting point. Since drinking water and wastewater projects are generally beneficial to the public health, the grantee may be able to show a positive impact. Issues may arise relating to new or increased discharges of pollutants. EJ communities may have a greater dependence on natural resources (e.g. subsistence fishing), they generally have less access to adequate health care, and they may have a higher exposure to other pollutants (e.g. pesticides in farming communities).

If disproportionately high or adverse impacts on EJ communities are identified, then the grantee should reevaluate the alternatives and mitigative measures. Additional public participation should be undertaken. Effective public involvement strategies have four common characteristics: inclusiveness (all affected communities and stakeholders are represented), representation (representatives must truly reflect the community's or stakeholder's views), parity (all stakeholder groups have equal opportunity and capacity), and communication (account for differences between groups).

The identification of EJ communities should be done early in the process. Since the project can not go forward until the reviewer is satisfied that any EJ issues have been identified and any adverse risk addressed, this analysis should be done as soon as possible. If the need arises to revise the EID, or to have additional public participation or hearings, or to prepare an EIS, then disproportionately high risk early in the project development then mitigative measures can more easily be incorporated into the project. Or if risks can not be mitigated, and they are identified early on, the preparation of an EIS can proceed with fewer delays.

Procedures

- G) In preparing the EID, an ecological assessment is conducted identifying the natural resources that will be used by the project and the potentially affected environments that may be impacted by the project. Then the potential changes and impacts of the proposed action and alternative actions are assessed.

Minority populations and low-income populations are identified which either are located within the general area served by the project or use resources within the general area. Information on these populations is compiled including socioeconomic factors, resource uses, special health concerns, etc. If minority and/or low-income populations are identified, then public participation efforts are developed to involve these communities. The public participation program should take extra steps to involve the affected communities and should take into consideration any barriers (e.g. language, literacy, etc.) which might limit participation. The public participation program should continue during the implementation of the project.

- H) If environmental impacts are quantified, then the distribution of impacts on geographical areas and communities can be evaluated. If the environmental impacts are not quantified, then special consideration should be given to whether potential impacts could be borne by minority or low-income communities residing within the

larger area. If necessary, separate analyses should be designed and conducted to assess the potential impacts on these communities. The study should attempt to estimate the proportion of impacts borne by low-income and/or minority populations within the area of the project's impact compared to the general population in and around the project.

When tailoring risk management tools to consider the distribution of impacts to low-income and/or minority communities, differential patterns of subsistence consumption of natural resources should be considered, including differences in rates of consumption of fish, vegetation, water, and wildlife among ethnic groups and among cultures. Further, it should be recognized that land and water resources not predominantly used by the general population may be important sources of consumption, economy, cultural use, and/or recreation for minority and/or low-income populations.

Although economic and social effects alone do not trigger an Environmental Impact Statement (EIS), an analysis and understand of these impacts is also important. If environmental justice concerns are identified, then the potential interrelated socioeconomic impacts to both the total affected population and to the low-income and/or minority communities of concern should be evaluated. Standard socioeconomic models may need to be modified to properly take into account the special issues which may impact the low-income and/or minority communities.

- I) After completion of the analysis, the three questions (above) should be answered, by the grantee, in the Environmental Information Document. If minority and/or low-income communities are affected and have not been sufficiently involved in the decision making process then additional public participation activities should be undertaken and the EID should be revised. Based upon the EID, an Environmental Assessment (EA) of the project is prepared by the reviewer. The conclusions in the EA will determine if a Finding of No Significant Impact (FNSI) can be issued for the project.

Public Meeting Guidance for DWSRF Projects

- A public meeting is to be held with the notice published at least 15 days prior to the meeting. This public meeting can be part of regularly scheduled council/ commission meetings or other similar activities where the project was discussed publicly. Properly noticed public meetings sponsored by other agencies with interest or funding in the project are also included.
- The notice of the public meeting should be well publicized. The notice shall identify the matters to be discussed at the meeting and EPA's intent to fund the project along with information on the availability of relevant materials and the procedures for obtaining further information.
- The public meeting should be held at a time and place that maximizes public attendance.
- The meeting should include a formal presentation of the project which includes at a minimum a project description, estimated costs and user charges, discussion of alternatives, environmental consequences, and proposed mitigations.
- Meeting minutes, written transcripts, or audio/video recordings of the meeting are required. Minutes or transcripts must be in a format readily accessible to the public.
- Planning documents and data relevant to discussion at the public meeting must be made available to the public at least 15 days prior to the meeting.
- Projects that may impact minority or low income groups (Environmental Justice) will require an expanded public notice to ensure that the affected populations are made aware of the project and have the opportunity to respond. This may include publication of notices in newspapers or periodical directed at the affected community (e.g., in a Spanish language newspaper if a Hispanic community is impacted, etc.). Applicants should provide documentation of public participation, including copies of the public notice as well as meeting minutes, transcripts, or audio/video recordings in their EID. Questions regarding the public participation requirements should be directed to the state environmental reviewer.
- Projects where construction is complete do not require a public meeting.

Public Meeting Notice

(Application Review and Environmental Concerns)

The **Applicant Name** has applied to the KY Department for Environmental Protection (DEP), for a low interest loan from the Drinking Water State Revolving Fund (DWSRF), funded in part by a grant to KY from the Environmental Protection Agency (EPA). The project is as follows: **Detailed Project Description**.

The **Applicant Name** will hold a public meeting on **Day of Week, Month, Day, Year** at **Time (am/pm)** at the **Location**. **The purpose of this meeting is to allow the public to review and comment on proposed activities, potential impacts, and project alternatives.** Any relevant documents will be on file at **Applicant's Address** for citizen's review during regular business hours.

***Note to applicant:** Please adjust font and spacing to minimize printing costs*

DEVELOPING A LIST OF INTERESTED PARTIES

The applicant must develop a distribution list for a given project based on the types of potential impacts. For Kentucky, land use changes, water pollution, fish and wildlife, population changes, community changes, air pollution, and green space development are typical categories of potential impacts. Other categories may be identified through the environmental review. Therefore, the public notice should be distributed to *local* government and *nongovernment* groups, organizations, and individuals that are interested in these issues. The Division of Water will notify the interested parties on the list provided by the applicant of the environmental review findings.

Examples:

Government

Notices will be sent to the U.S. Fish and Wildlife Service, U.S. Natural Resources and Conservation Service (NRCS District Office) and the KY State Clearinghouse. It is also recommended that public libraries (city and county, if applicable), public health departments, other local newspapers, county clerk, and city clerks receive notifications as well. This would apply to each county included in the project.

Nongovernment

One group or organization may address more than one of the impact categories. Enough *local* groups will be chosen so that all of the categories are covered. For state or national organizations, check the internet for addresses of local chapters.

Land Use Changes

O) County Natural Resource Conservation Service Board

The Board is comprised of citizens elected by the farm owners in their local Federal NRCS District.

P) Area Planning Societies or Groups

Communities, counties, or regions may have a citizens group that has joined together to protect green spaces and rural areas, such as parks or farmland, from uncontrolled urban or industrial development or from land use changes in general. The mayor and county judge offices for the project site should be familiar with those groups and be able to provide contact names and addresses.

Water Pollution or Fish and Wildlife

Q) Kentucky Waterways Alliance, River Watershed Watch or Clean Water Watch

R) Audubon Society Local Chapter, Sierra Club Local Chapter, or other Nature Societies

The mayor and county judge offices for the project site should be familiar with those groups and be able to provide contact names and addresses.

S) County Fish and Game Club, Ducks Unlimited Local Chapter

The mayor and county judge offices for the project site should be familiar with those groups and be able to provide contact names and addresses.

Population or Community Changes, Air Pollution, and Green Space Development

T) Community Action Groups, Civic Groups, or Social Justice Groups

U) Parks and Recreation Citizen Boards

The mayor and county judge offices for the project site should be familiar with those groups and be able to provide contact names and addresses.

Statutory Cross-Cutters Checklist

Federal Laws and Authorities listed at 40 CFR 6.3

Project Name and DWSRF No. _____

Area of Statutory or Regulatory Compliance	Not Applicable to This Project	Consultation Required*	Review Required*	Permits Required*	Determination of consistency Approvals, Permits Obtained*	Conditions and/or Mitigation Actions Required	Provide compliance documentation. Additional material may be attached.
Historic Properties							
Floodplain Management							
Wetlands Protection							
Interbasin Water Transfer							
Water Quality - Aquifers							
Endangered Species							
Wild and Scenic Rivers							
Air Quality							
Farmlands Protection							
Environmental Justice							

State or Local Statutes

(to be added by Responsible Entity)

* Attach evidence that required actions have been taken.

Statutory Cross-Cutters Checklist (continued)

Project Name and Identification No. _____

Summary of Findings and Conclusions:

Summary of Environmental Conditions:

Project Modifications and Alternatives Considered:

Additional Studies Performed: (Attach study or summary)

Mitigation Measures Needed:

Prepared by:

Title:

Date:

A. Plans Review SRF/EPA Procedure Outline

This procedure is written from a plan review perspective. This outline is not inclusive. Only the items necessary for plan review approval and processing are listed. Other documentation may be required at different times by different agencies involved.

1. Applicant submits to DOW the following:
 - A. Plans and Specifications (3 copies)
 - B. Customer list with addresses of new customers
 - C. Review fee (if applicable)

- D. Letter of Acceptance from the utility
- E. Engineering calculations (hydraulic analysis, anticipated water demand, etc.)
- F. Applicable DW Plans Review Application

When the Division of Water receives and reviews the above-mentioned items, a technical approval is issued. This approval is solely an approval of the sanitary features of design, not the projects SRF/EPA funding eligibility.

- 2. In order to receive approval to use SRF/EPA funds the following must be submitted:
 - A. Completed SRF/EPA Specifications Checklist
 - B. Clear site certificate (need prior to start of construction)
 - C. Floodplain release (unless an exemption can be granted by the drinking water plans reviewer)
 - D. United States Army Corps of Engineers permit (if applicable)
 - E. For EPA Grants only, send a copy of specifications to EPA, Region IV (Dave Holroyd)

Once all of these items are received and reviewed, an SRF/EPA approval will be issued. DOW will then authorize the Advertisement for Construction Bids.

- 3. The applicant submits as-bid plans and specifications (if changes have been made since the original approval) including and addenda and a copy of the bid advertisement to DOW.
- 4. Within seven (7) days of the bid opening, the applicant submits the following to DOW/WIB/SRF & SPAP Section:
 - A. Copy of advertisement with affidavit of publication
 - B. Certified bid tabulation (2 copies)
 - C. Revised project budget
 - D. Proposed payment schedule
 - E. DBE documentation
 - F. Project Review & Cost Summary Form (signed and dated by applicant)
- 5. DOW issues Authority to Award and a pre-construction/project management conference is held.
- 6. Applicant submits executed construction contracts.
- 7. Applicant submits monthly pay requests with invoices and monthly progress meeting minute notes or monthly progress reports to DOW.
- 8. Applicant submits any modifications to contract to DOW for approval. This includes technical changes, monetary changes and time changes. Change orders will be issued a technical approval and an SRF/EPA eligibility approval. Any modifications made to the project contract without prior technical approval and SRF/EPA approval (in writing or by direct instruction from DOW) may not be reimbursed with SRF/EPA funds.
- 9. In order to closeout the project, the following must be submitted to DOW:
 - A. A Letter stating the initiation of service date of last contract
 - B. Certification that the project has been completed according to plans and specifications both by the loan recipient as well as the engineering consultant
 - C. As-built drawings

- D. Final adjusting change order
- E. Contractors final pay estimate and release of liens
- F. Request for final inspection

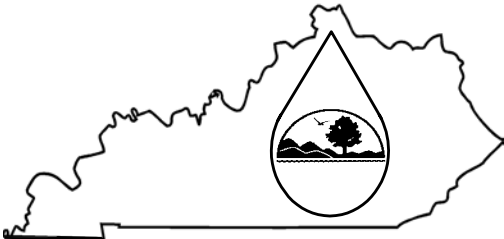
Items B, C, D, and E are required for each individual contract funded solely or in part by the SRF/EPA Loan. When these items are received, DOW will schedule and conduct a final inspection.

10. Once all of the above mentioned documentation is received and approved and a final inspection is conducted, the applicant shall submit the final pay request. Once the final pay request is processed, the project is completed for plan review.

Any items not submitted or not submitted by the required milestone may result in SRF/EPA funds being withheld until the required submission is received.

During the course of construction, DOW will conduct interim inspections at agreed milestones (approximately first pay request, 50%, 90% and final).

Form DW-1

	<p style="text-align: center;">Commonwealth of Kentucky Energy and Environment Cabinet Division of Water</p> <p style="text-align: center;">Construction Application For Drinking Water Distribution</p>
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See the instructions for more information about selected portions of this application.
Questions on completing this application? Contact the Water Infrastructure Branch at 502/564-3410, by e-mail at WIBEngineering@ky.gov or visit our website at <http://www.water.ky.gov/dw> for more information.

I. Construction Project Information

DOW– April 2009

Project Name: _____

Project County: _____ Estimated Project Cost: \$ _____

Project Latitude/Longitude (DMS): _____

Is this a federally funded project:

☐ DWSRF

☐ SPAP

☐ Other: _____

If yes, has an Environmental Information Document been reviewed and approved? _____

If the project has been submitted to the State Clearinghouse for review, provide the SAI number: _____

Identify all other funding sources: _____

Does the project contain any of the following:

☐ Booster Pump Stations

☐ Water Storage Tanks

☐ Waterlines

Waterline Material	Waterline Size	Linear Feet

Provide a DETAILED description of work to be performed for this project. Attach additional sheets as necessary:

Identify how the sanitary wastewater produced as a result of this project will be handled:

- ☐ Sanitary Sewer WWTP: _____
- ☐ Septic Tank
- ☐ Other: _____

II. Utility Information

Utility Name: _____ PWSID: _____

Street Address: _____ County: _____

City, State, Zip: _____

Phone #: _____ Fax #: _____ Email: _____

If another utility will serve any portion of the proposed project, provide the name and PWSID No.

Utility Name: _____ PWSID No. _____

If the utility serving the project purchases water from another utility, provide the name and PWSID No. and purchase contract amount.

Utility Name: _____ PWSID No. _____ Purchase Contract Amount: _____

Utility Name: _____ PWSID No. _____ Purchase Contract Amount: _____

Utility Name: _____ PWSID No. _____ Purchase Contract Amount: _____

Is the system currently under any type of waterline or sewer sanctions? _____

☐ If yes, submit an exception request and attach supporting documentation to justify its approval.

III. Design Considerations

A. Plans and Specifications

Plans and specifications shall comply with **401 KAR 8:100** and “**Recommended Standards for Water Works**” **2007 Edition (Ten States’ Standards)**. All plans must contain a P.E. seal, signature and date of signature with at least one set having an original seal and signature. Provide detailed plans (**no larger than 24” X 36”**) which must comply with **401 KAR 8:100**. See the instructions for additional details.

B. Design Engineer

Name: _____ Firm: _____

Street Address: _____

City, State, Zip: _____

Phone #: _____ Fax #: _____ Email: _____

Design Capacities

Identify the number of new connections and the projected average daily demand: _____

Identify the number of existing residents, and their projected water demand, that may be served as a result of this project:

Identify the number of connections in the service area: _____

Other Information to be Submitted with the Project

- ☐ 1. Provide a copy of the U.S.G.S. 7 ½ minute topographic map or a detailed vicinity map with the location(s) of the proposed project.
- ☐ 2. If the project includes a new or upgraded pump station(s), provide the pump sizing calculations and the proposed pump's characteristics curve along with the efficiency, horsepower and NPSHR data. Also, identify each pump station's locations coordinates (DMS).
- ☐ 3. If the project proposes the addition of storage tanks, provide engineering calculations which demonstrates a complete fill and drain cycle every 72 hours. Also, identify each storage tank's location coordinates (DMS).
- ☐ 4. Provide engineering calculations or an electronic model demonstrating the availability of 30 psig in the waterline under peak demand conditions.
- ☐ 5. Provide engineering calculations or an electronic model that demonstrates if the proposed waterlines are capable of a 2.5 ft/sec flow velocity and show associated residual system pressures.
- ☐ 6. Provide a signed letter of acceptance from the utility, which states that the utility has reviewed and approved the plans and specifications and agrees to serve the proposed project upon completion. If another utility will own, operate and maintain any portion of this project provide an acceptance letter from that utility as well.
- ☐ 7. If the utility is a purchaser and the project demand is over 10,000 gallons per day or the utility has exceeded 85% of its purchase contract, provide a valid acceptance letter from the seller.
- ☐ 8. If the project will provide water service to existing residences, provide the names and addresses of all existing residences to be served by the project, if known.
- ☐ 9. If the project is funded by a State Revolving Fund Loan (SRF) provide a completed SRF Plans and Specifications Checklist along with 1 complete printed copy of the project specifications.

IV. Environmental Benefits

Identify the environmental benefit(s) of the project by checking all that apply.

- ☐ Construction of new waterlines serving existing residences previously without public water.
- ☐ Modifies/upgrades existing waterlines:
 - ☐ Inadequately sized waterlines.
 - ☐ Leaks, breaks, restrictive flow.
 - ☐ Replaces lead, copper or asbestos cement waterlines.
 - ☐ Other: _____

- ☐ Provides fire protection.
- ☐ Replaces tanks/pumps due to age/condition.
- ☐ Installation of high efficiency/energy saving pumps.
- ☐ Other. Provide a brief description in the space below. _____

V. Fees

Check or money order must be made payable to “Kentucky State Treasurer” for the total amount. Fees do not apply to projects FUNDED by a municipality, water district, or other publicly owned utility.

Project Category: _____ Total Amount: \$ _____

Listed below are explanations of selected portions of form DW-1. If you need further information about any item, contact the **Water Infrastructure Branch, Engineering Section** at (502) 564-3410 or by e-mail at WIBEngineering@ky.gov. Send the completed application with any enclosures and applicable review fee to the Division of Water, Water Infrastructure Branch, 200 Fair Oaks Lane 4th Floor, Frankfort, KY 40601. The complete requirements for construction permits are in Kentucky's administrative regulation **401 KAR 8:100** with definitions for terms in **401 KAR 8:010**.

I. Construction Project Information

Project County	List the county/counties in which the project will be constructed.
Latitude/Longitude	Provide the latitude and longitude (in Degrees, Minutes, Seconds - DMS) which provides the general location of the project and for any major construction item (such as booster pump station or water storage tank).
Funding Source	List agencies providing funds to pay construction costs. For example, Drinking Water State Revolving Fund Loan (DWSRF), EPA Special Appropriations Grant (SPAP), state grants, federal grants, local funds, and private funds.
Waterline Material	Provide pipe material and pressure class/rating.
Project Description	Provide as much description about the project as possible. Possible items include lines sizes with corresponding lengths and pipe materials, pump sizes, and tank sizes. Also, include the purpose of the project. For example, a waterline extension to replace/relocate an existing waterline due to age/highway construction, or a new booster pump station to replace an existing booster pump station that is undersized.
WWTP	Identify the wastewater treatment plant that will treat the additional flow as a result of this project.

II. Utility Information

Utility Name	Name of the entity that will ultimately own and maintain the items of the construction project.
Address	Location where correspondence should be sent.
Additional Utility	If a utility other than the utility submitting the project will own, operate and maintain any portion of the infrastructure resulting from this project provide the utility name and PWSID number of that utility. Also, an acceptance letter from that utility will be required (See section IIID). An example of this would be a waterline extending into another utility's service area and that utility will own, operate and maintain that portion of the waterline upon completion of the project.
Purchase Contract	The purchase contract amount refers to the amount of water the purchasing water system is limited to on a daily basis by the contract.
Sanction Exception	The sanction exception request form can be found at http://www.water.ky.gov/dw/profi/mrr/drinking+water+forms.htm

III. Design Considerations

Plans and Specs	For submittals, submit either 2 sets of plans (no larger than 24" x 36") and a PDF copy of the plans and specifications (preferred) or 3 sets of plans (none larger than 24" x 36") with one of the 3 sets of plans being no larger than 11" x 17" along with one printed copy of the specifications manual. Plans submitted as PDF files shall be submitted as a single PDF file and shall contain a P.E. seal, signature and date of signature. If the plans and specifications are to be submitted as hard copies only, the DOW requests that the one set of specifications be submitted unbound. All plans shall contain a P.E. seal, signature and date of signature with at least one of the sets of plans submitted having an original seal and signature.
Variances	Any deviation from "Ten States' Standards," 2007 edition, must be submitted to the Division of Water in writing with a variance request containing the basis for the deviation, supported by current engineering practice. Other alternative measures may be approved if the applicant submits the basis for the alternatives, and the alternatives provide sufficient treatment. See 401 KAR 8:100 for additional details.

Design Engineer	All plans and specifications must be prepared, stamped, signed, and dated by a professional engineer, licensed to practice in Kentucky with at least one set having an original seal, date, and signature.
New Connection	This refers to a newly constructed home, business, etc that will be served as a result of the project.
Existing Residences	An existing residence refers to a household or business that has relied on a well, water hauler, or cistern as their primary source for drinking water.
Service Area	This refers to the number of customers in the pressure zone of the proposed project. If this project is for the construction of a water storage tank, indicate the number of customers that will be served by this tank.
SRF Checklist	Information on the SRF checklist can be found at http://www.water.ky.gov/publicassistance/funding/dwsrf .

V. Fees

Plans and Specification Review Fees are listed in **401 KAR 8:050**. The construction permit fee must be submitted with the completed permit application. The fee must be a check or money order, payable to the **Kentucky State Treasurer**, for the applicable amount as indicated below. Fees are not applicable if project is funded by a municipality, water district, or other publicly owned utilities.

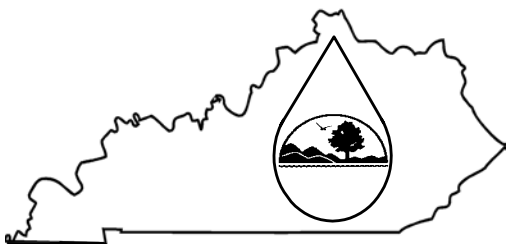
Small Project

Project that involves the installation of less than 10,000 ft of waterline	\$150
--	--------------

Large Project

Project that involves more than 10,000 ft of waterline or the addition of pump stations or tanks.	\$325
---	--------------

Enter the category (small or large) and the dollar amount submitted. When determining the fee category, add the total lengths of **all** distribution pipe to be installed.

	<p>Commonwealth of Kentucky Energy and Environment Cabinet Division of Water</p> <p>Construction Application For Drinking Water Treatment</p>
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See the instructions for more information about selected portions of this application.
 Questions on completing this application? Contact the Water Infrastructure Branch at 502/564-3410, by e-mail at WIBEngineering@ky.gov or visit our website at <http://www.water.ky.gov/dw> for more information.

I. Treatment Project Information

Project Name: _____

Project County: _____ Estimated Project Cost: _____

Project Latitude/Longitude (DMS): _____

Is this a federally funded project:

☐ DWSRF

☐ SPAP

☐ Other: _____

If yes, has an Environmental Information Document (EID) been reviewed and approved? _____

If the project has been submitted to the State Clearinghouse for review, provide the SAI number: _____

Identify all other funding sources: _____

Does this project modify an existing water treatment plant? _____

Provide a DETAILED description of work to be performed for this project. Attach additional sheets as necessary:

Identify how the sanitary wastewater produced as a result of this project will be handled:

☐ Sanitary Sewer

WWTP: _____

☐ Septic Tank

☐ Other: _____

II. Utility Information

Utility Name: _____ PWSID: _____

Street Address: _____ County: _____

City, State, Zip: _____

Phone #: _____ Fax #: _____ Email: _____

Is the system currently under any type of waterline sanctions or Agreed Orders? _____

If yes, will this project satisfy the terms of or alleviate an agreed order, water budget or any other form of sanction?

If yes, describe: _____

III. Design Considerations

C. Plans and Specifications

Plans and specifications shall comply with **401 KAR 8:100** and “**Recommended Standards for Water Works**” **2007 Edition (Ten States’ Standards)**. All plans must contain a P.E. seal, signature and date of signature with at least one set having an original seal and signature. Provide detailed plans (**no larger than 24” X 36”**) which must comply with **401 KAR 8:100**. See the instructions for additional details.

D. Design Engineer

Name: _____ Firm: _____

Street Address: _____

City, State, Zip: _____

Phone #: _____ Fax #: _____ Email: _____

E. Design Capacities

Communities Served: _____

Identify the number of connections in the service area: _____

Current Treatment Plant Design Capacity: _____ Proposed Treatment Plant Design Capacity: _____

Has a Preliminary Engineering Report been submitted and approved? _____

Have Water Withdrawal and KPDES permits been updated? _____

KPDES Permit # _____ Water Withdrawal Permit # _____

What type of treatment is/will be used:

☐ Conventional

☐ Ballasted Flocculation

☐ Membrane

☐ Dissolved Air Flotation

☐ Other: _____

Is pilot study data provided? _____

F. Other Information to be Submitted with Project

a. Site

☐ Provide a copy of the U.S.G.S. 7 ½ minute topographic map with the location(s) of the proposed project.

What is the 100 year flood elevation for the project site? _____

What is the 500 year flood elevation or flood of record for the project site? _____

b. Intake and Raw Water Transmission

Provide the Latitude and Longitude (DMS) of the intake and River Mile Index if known:

Latitude: _____ Longitude: _____ River Mile Index: _____
 What is the raw water source? _____

Provide water level elevations for surface water sources:

Low Level: _____

Normal Level: _____

Flood Level: _____

For surface water sources, what type of intake will be used?

- ☐ Floating
☐ Screened
☐ Wet Well
☐ Other: _____

Does the intake have the capability to draw from multiple levels? _____ If yes, explain: _____

Is the intake screened? _____

Is a method for cleaning provided? _____ If yes, describe: _____

Where is the raw water sample tap located? _____

Are any chemicals fed at the intake? _____ If yes, list: _____

Is the intake more than 5 miles downstream or 1,000 ft upstream of any sewage outfall? _____

What is the flow rate into the intake? _____

If a groundwater source is used:

Number of Wells: _____ Well Capacities: _____

☐ *Provide water quality and quantity data for test wells.*

Raw Water Pump Data:

Number of Pumps	Capacity (GPM)	TDH	Power (HP)

Are variable frequency drives (VFD) to be used? _____

☐ *Provide proposed pump's characteristic curve along with the efficiency, horsepower and NPSHR data.*

Raw Water Transmission Main Data:

Waterline Material	Waterline Size	Linear Feet

Are any chemicals fed in the raw water transmission main or wet-well? _____

If yes, list: _____

c. Pretreatment/Equalization

Basin Volume: _____ Dimensions: _____

Purpose: _____

Are any chemicals fed here? _____ List the chemicals fed along with the feed locations:

Is aeration used? _____ If yes, purpose and type: _____

Are provisions to feed carbon provided? _____ Rate: _____

d. Rapid Mix

Type of Rapid Mix:

☐ Static Mixer

☐ Conventional Rapid Mix

☐ Other: _____

Number of Mixing Basins: _____ Volume: _____ Dimension: _____

Retention Time: _____ Velocity Gradient (G): _____

e. Flocculation

Number of trains: _____ Number of Stages: _____

Basin Volume: _____ Dimensions: _____

Detention Time: _____ Flow through Rate: _____

Mixer Speed (sec): _____ Is the flocculation speed tapered through the process?

f. Sedimentation

Flow Velocity from Flocculation to Sedimentation: _____

Volume: _____ Dimensions: _____

Flow Through Velocity: _____ Detention Time: _____

Overflow Rate (gpm/ft²): _____ Weir Loading Rate (gpd/ft): _____

Are tube settlers to be used? _____ Dimensions: _____

Are Plate Settlers Used? _____ Dimensions: _____

What percentage of the projected horizontal plate area is the overflow rate for plate settlers based?

Is a sludge collection system provided? _____ Describe: _____

Is Ballasted Flocculation used? _____

If yes, provide the following:

Number of trains: _____ Capacity: _____ Basin Volumes:

Basin Dimensions: _____ Retention Time: _____

Number of Hydrocyclones: _____ Hydrocyclone Capacity (GPM): _____

Number of Recycle Pumps: _____ Recycle Pump Capacity (GPM): _____

Overflow Rate (GPM/ft²): _____ Number of Contact Basins: _____

Contact Basin Volume: _____ Contact Basin Dimensions: _____

Contact Time: _____

g. Filtration

Granular Media

Type of Filtration: _____ Number of Filters: _____

Filter Area: _____ Total Filter Box Depth: _____

Media	Depth	Effective Size	Uniformity Coefficient

Filtration Rate at Design Capacity: _____

Number of Backwash Pumps	Capacity	TDH	Power (HP)

Backwash Rate: _____

What is the source of the wash water supply? _____

Is air scouring or surface wash utilized? _____ Which? _____

Number of Backwash Troughs: _____ Dimensions: _____

Design Flow (gpm): _____ Distance from media surface to bottom of backwash trough:

Are rate of flow controllers provided for backwashing? _____

Is filter-to-waste capability provided? _____

Turbidimeter Locations:

☐ Raw Water

☐ Top of Filter

☐ Individual Filter Effluent (prior to filter-to-waste)

☐ Combined Filter Effluent

☐ Other: _____

Membranes

Type of membrane: _____ Capacity: _____ # of Skids:

Water Flux Rate (gpd/ft²): _____ Permeate Recovery (%): _____

Operating Pressure (psi): _____ Design Temperature (°F): _____

What cleaning agent will be used? _____ Cleaning Frequency: _____

☐ Provide capacity calculations used to size membrane filters.

h. Clearwell

Number of Clearwells	Capacity	Dimensions	Baffled (yes/no)

If an offsite tank is used as a clearwell, provide location, coordinates and capacity: _____

☐ Provide Contact Time (CT) Calculations.

i. High Service Pumps

Number of Pumps	Capacity (GPM)	TDH	Power (HP)

Are variable frequency drives (VFD) to be used? _____

☐ Provide proposed pump's characteristic curve along with the efficiency, horsepower and NPSHR data.

j. Disinfection

Check all forms of disinfection to be used:

☐ Chlorine Gas

☐ Hypochlorite

☐ Chloramines

☐ UV

☐ Other: _____

List the locations of all disinfectant injection points: _____

Chlorine Room Information:

Exhaust Fan Capacity (cfm): _____ Air Exchange Rate: _____

Are air inlet louvers near the ceiling? _____ Do ventilation fans take suction near the floor? _____

Is the chlorine room equipped with panic hardware and alarms? _____

Is a bottle of Ammonium Hydroxide provided? _____

Does the chlorine room have a shatterproof inspection window? _____

Is SCBA equipment meeting NIOSH requirements located outside of the chlorine room?

Are separate switches for fans and lights provided outside of the chlorine room? _____

Is a gas scrubber provided? _____

UV Information:

UV Wavelength: _____ Dosage (MJ/cm²): _____

Are the bulbs protected? _____

Is the UV assembly accessible for cleaning and replacement of the bulbs, jackets, etc?

Is a sensor provided to ensure UV light is being delivered at the appropriate wavelength and dosage? _____

Ammonia Information:

Exhaust Fan Motor Capacity (cfm): _____ Air Exchange Rate: _____

Is ammonia room equipped with panic hardware and alarms? _____

Does the ammonia room have a shatterproof inspection window? _____

Are separate switches for fans and lights provided outside of the room? _____

Is a gas scrubber provided? _____

k. Other Chemicals

Provide information about chemicals to be used in the treatment process below:

Chemical	Purpose	Feed Location	Bulk Tank (gal)	Day Tank (gal)	Feed Rate at Design Capacity

Will Carbon be added as a premixed slurry or dry feed? _____

If dry feed, what is the hopper capacity? _____

Are fireproof/explosion proof precautions provided? _____ Describe: _____

Are floor drains and containment provided? _____

Chemical	Containment Capacity

I. Treatment Wastewater

Disposal Method for Treatment Wastewater:

- ☐ Lagoons
☐ Dewatering
☐ Other: _____

How much treatment wastewater does the water treatment plant produce? _____

Lagoon capacity: _____

Where does the decant water discharge? _____

m. General

- ☐ *Provide a process flow schematic.*
☐ *Provide a signed letter of acceptance from the utility, which states that the utility has reviewed and approved the plans and specifications.*
☐ *If the project is funded by a State Revolving Fund Loan (SRF) provide a completed SRF Plans and Specifications Checklist along with 1 complete printed copy of the project specifications.*

IV. Fees

Check or money order must be made payable to "Kentucky State Treasurer" for the total amount. Fees do not apply to projects FUNDED by a municipality, water district, or other publicly owned utility.

Project Category: _____ Total Amount: \$ _____

INSTRUCTIONS – Form DW-2

Listed below are explanations of selected portions of form DW-2. If you need further information about any item, contact the **Water Infrastructure Branch, Engineering Section** at (502) 564-3410 or by e-mail at WIBEngineering@ky.gov. Send the completed application with any enclosures and applicable review fee to the Division of Water, Water Infrastructure Branch, 200 Fair Oaks Lane 4th Floor, Frankfort, KY 40601. The complete requirements for construction permits are in Kentucky's administrative regulation **401 KAR 8:100** with definitions for terms in **401 KAR 8:010**.

II. Construction Project Information

Latitude/Longitude Provide the latitude and longitude (in Degrees, Minutes, Seconds - DMS) which provides the general location of the project and for any major construction item (such as raw water intake or treatment plant).

Funding Source	List agencies providing funds to pay construction costs. For example, Drinking Water State Revolving Fund Loan (DWSRF), EPA Special Appropriations Grant (SPAP), state grants, federal grants, local funds, and private funds.
EID	Indicate if an Environmental Information Document has been issued and if so, what type (Categorical Exclusion (CE), Finding of No Significant Impact (FONSI), or Environmental Impact Statement (EIS)).
Project Description	Provide as much description about the project as possible. Possible projects include new treatment plant, treatment plant upgrade, filter media replacement, raw water or high service pump upgrades, etc. Also, include the purpose of the project.
II. Utility Information	
Utility Name	Name of the entity that will ultimately own and maintain the items of the construction project.
PWSID	Provide the PWSID number of the existing public water system. If the project includes a new water system, indicate “new”.
Address	Location where correspondence should be sent.
IV. Design Considerations	
Plans and Specs	For submittals, submit either 2 sets of plans (no larger than 24” x 36”) and a PDF copy of the plans and specifications (preferred) or 3 sets of plans (none larger than 24” x 36”) with one of the 3 sets of plans being no larger than 11” x 17” along with one printed copy of the specifications manual. Plans submitted as PDF files shall be submitted as a single PDF file and shall contain a P.E. seal, signature and date of signature. If the plans and specifications are to be submitted as hard copies only, the DOW requests that the one set of specifications be submitted unbound. All plans shall contain a P.E. seal, signature and date of signature with at least one of the sets of plans submitted having an original seal and signature.
Variances	Any deviation from “Ten States’ Standards,” 2007 edition, must be submitted to the Division of Water in writing with a variance request containing the basis for the deviation, supported by current engineering practice. Other alternative measures may be approved if the applicant submits the basis for the alternatives, and the alternatives provide sufficient treatment. See 401 KAR 8:100 for additional details.
Design Engineer	All plans and specifications must be prepared, stamped, signed, and dated by a professional engineer, licensed to practice in Kentucky with at least one set having an original seal, date, and signature.
Communities Served	Provide the names off all communities served by the water treatment plant, including wholesale customers.
USGS Topo Map	USGS 7 ½ minute topographic maps are available from the Economic Development Cabinet, Map Sales Office, 133 Holmes Street, Frankfort, KY 40601, phone (502) 564-4715.
CT Calculations	Guidance for determining contact time can be found at www.epa.gov/safewater/mdbp/guidsws.pdf
SRF Checklist	Information on the SRF checklists can be found at http://www.water.ky.gov/publicassistance/funding/dwsrf .
Chemical Analysis	All water systems are required to submit the chemical and microbiological monitoring results at the time of application submittal to the Water Infrastructure Branch. In addition, see the table below to determine sampling requirements depending on your system classification.

Surface Water

Water System Classification	Inorganic	SOC	VOC	*Secondary	Radionuclide	E.Coli	TOC
-----------------------------	-----------	-----	-----	------------	--------------	--------	-----

Public-Community	Required to submit	Required to Submit	Required to submit	Required to submit	Required to submit	Required to submit	Required to submit
Public Non-Community Non-transient	Required to submit	Required to submit	Required to submit	Required to submit	NA	Required to submit	Required to submit
Public Non-Community Transient	Submit only nitrate and nitrite	NA	NA	Required to submit	NA	Required to submit	NA
Semipublic	Submit only nitrate and nitrite	NA	NA	Required to submit	NA	Required to submit	NA

Groundwater:

All groundwater systems are required to submit the results of the secondary contaminant chemicals, nitrate, nitrite and E.coli at the time of application submittal to the Water Infrastructure Branch.

V. Fees

Plans and Specification Review Fees are listed in **401 KAR 8:050**. The construction permit fee must be submitted with the completed permit application. The fee must be a check or money order, payable to the **Kentucky State Treasurer**, for the applicable amount as indicated below. Fees are not applicable if project is funded by a municipality, water district, or other publicly owned utilities.

Community Water Systems

Category	Description	Fee
Complete Treatment	A water treatment plant utilizing coagulation, disinfection, filtration, and sedimentation (all treatment components, complete treatment)	\$800
Partial Treatment	A water treatment plant utilizing at least disinfection and other treatment component(s), but less than complete treatment	\$525
Disinfection Only	A water treatment plant utilizing only disinfection	\$250
Complete Treatment Upgrade	A change in design capacity of a water treatment plant involving coagulation, disinfection, filtration, and sedimentation (all treatment components, complete treatment)	\$800
Partial Treatment Upgrade	A change in design capacity of a water treatment plant involving disinfection and other treatment component(s), but less than complete treatment	\$525

Non-Community Water Systems

	Description	Fee
Complete Treatment	A water treatment plant utilizing coagulation, disinfection, filtration, and sedimentation (all treatment components, complete treatment)	\$800
Partial Treatment	A water supply system serving more than 100 people but not providing complete treatment	\$200
Treatment Upgrade	A change to a water supply system serving more than 100	\$100
Small Partial Treatment	A water supply system serving 100 people or less, but not providing complete treatment	\$100
Small Partial Treatment Upgrade	A change to a water supply system serving 100 people or less	\$50

Community and non-community water system is as defined by 40 C.F.R. 141.2. Indicate if the system is community or non-community, the category and the dollar amount submitted.

INSTRUCTIONS – Form DW-3

Listed below are explanations of selected portions of form DW-3. If you need further information about any item, contact the **Water Infrastructure Branch, Engineering Section** at (502) 564-3410 or by e-mail at WIBEngineering@ky.gov. Send the completed application with any enclosures and applicable review fee to the Division of Water, Water Infrastructure Branch, 200 Fair Oaks Lane 4th Floor, Frankfort, KY 40601. The complete requirements for construction permits are in Kentucky's administrative regulation **401 KAR 8:100** with definitions for terms in **401 KAR 8:010**.

III. Construction Project Information

Project County	List the county/counties in which the project will be constructed.
Latitude/Longitude	Provide the latitude and longitude (in Degrees, Minutes, Seconds - DMS) which provides the general location of the project and for any major construction item. The latitude and longitude can be determined using Kentucky Watershed Viewer (http://eppcmaps.ky.gov/website/watershed/viewer.htm).

II. Owner's Information

Owner Name Name of the entity that will ultimately own and maintain the items of the construction project.

Address Location where correspondence should be sent.

VI. Design Considerations

Plans and Specs For submittals, submit either 2 sets of plans (no larger than 24" x 36") and a PDF copy of the plans and specifications (preferred) or 3 sets of plans (none larger than 24" x 36") with one of the 3 sets of plans being no larger than 11" x 17" along with one printed copy of the specifications manual. If the water system is not classified as a semi-public water system, all plans submitted must contain a P.E. seal, signature and date of signature with at least one set having an original seal, signature and date of signature.

Variances Any deviation from "Ten States' Standards," 2007 edition, must be submitted to the Division of Water in writing with a variance request containing the basis for the deviation, supported by current engineering practice. Other alternative measures may be approved if the applicant submits the basis for the alternatives, and the alternatives provide sufficient treatment. See 401 KAR 8:100 for additional details.

Source of Raw Water Name of water source or aquifer.

Certified Well Driller Additional information on the certified well driller program can be found at <http://www.water.ky.gov/gw/gwtech/gwdrill>.

Cisterns If a cistern will be used, then the name of the public water system providing the water must be provided.

Number of Customers This shall include all residences, employees, customers, etc that will have access to the facilities.

System Classification See the table below to determine the classification of your water system.

Water System Classification	Description
Community Water System	A public water system that supplies water to at least twenty-five (25) people or has at least 15 service connections and serves water to the same population year-around.
Non-Transient Non-Community Water System	A public water system that supplies water to at least twenty-five (25) people or has at least 15 service connections serving the same people at least sixty days, over six months per year, but not year-round.
Transient Non-Community Water System	A public water system that does not supply water to the same people and serves at least twenty-five (25) people or at least 15 service connections not over six months per year.
Semipublic Water System	A water system that does not fit any of the above definitions. A water system that does not provide service more than sixty days per year or does not serve more than twenty-five (25) people.

Plumbing Fixtures List the number of each fixture for each category where applicable.

Certified Labs A list of certified labs can be found at <http://www.water.ky.gov/dw/profi/certlabs/>.

Chemical Analysis All small water systems are required to submit the chemical and microbiological monitoring results at the time of application submittal to the Water Infrastructure Branch. In addition, see the table below to determine sampling requirements depending on your system classification.

Surface Water

Water System Classification	Inorganic	SOC	VOC	*Secondary	Radionuclide	E.Coli	TOC
Public-Community	Required to submit	Required to Submit	Required to submit	Required to submit	Required to submit	Required to submit	Required to submit

Public Non-Community Non-transient	Required to submit	Required to submit	Required to submit	Required to submit	NA	Required to submit	Required to submit
Public Non-Community Transient	Submit only nitrate and nitrite	NA	NA	Required to submit	NA	Required to submit	NA
Semipublic	Submit only nitrate and nitrite	NA	NA	Required to submit	NA	Required to submit	NA

Groundwater:

All small groundwater systems are required to submit the results of the secondary contaminant chemicals, nitrate, nitrite and E.coli at the time of application submittal to the Water Infrastructure Branch.

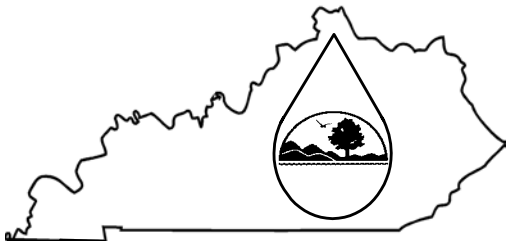
VII. Fees

Plans and Specification Review Fees are listed in **401 KAR 8:050**. The review fee must be submitted with the completed construction application. The fee must be a check or money order, payable to the **Kentucky State Treasurer**, for the applicable amount as indicated below. Fees are not applicable if project is funded by a municipality, water district, or other publicly owned utilities.

Semipublic	\$ 50.00
Non-Community (serving less than 100 people)	\$ 100.00
Non-Community (serving more than 100 people)	\$ 200.00
Change to a water system serving more than 100 people	\$ 100.00
Change to a water system serving 100 people or less	\$ 50.00

Enter the category and the dollar amount submitted.

Form DW-3

	<p>Commonwealth of Kentucky Energy and Environment Cabinet Division of Water</p> <p>Construction Application For Small Groundwater and Semi-Public Systems</p>
---	---

See the instructions for more information about selected portions of this application.

Questions on completing this application? Contact the Water Infrastructure Branch at 502/564-3410, by e-mail at WIBEngineering@ky.gov or visit our website at <http://www.water.ky.gov/dw> for more information.

I. Construction Project Information

Project Name: _____

Project County: _____ Estimated Project Cost: \$ _____

Project Location/Address: _____

Project Latitude/Longitude (DMS): _____

VI. Owner's Information

Owner's Name: _____

Street Address: _____ County: _____

City, State, Zip: _____

Phone: _____ Fax: _____ Email: _____

VII. Design Considerations

G. Plans and Specifications

Provide detailed plans (**no larger than 24" X 36"**) which must comply with **401 KAR 8:100**. See the instructions for additional details.

H. Design Engineer/Plumber

Name: _____ Company: _____

Street Address: _____

City, State, Zip: _____

Phone #: _____ Fax #: _____ Email: _____

I. Design Capacities

Type of establishment: _____

Water Source:

☐ New Well

☐ Existing Well

☐ Cistern

If a well:

Does the well have a sanitary seal? _____

Was the well drilled by a certified well driller? _____

If water is hauled from an approved public water system, Public Water System Name: _____

Identify the number of customers/people that will be served as a result of this project: _____

Drinking Water System Classification: _____

Plumbing Fixtures:

Baptistery Bath: _____

Bath: _____

Ice Machine: _____

Drinking Fountains: _____

Shower: _____

Service/Mop Sink: _____

Shampoo Bowl: _____

Washer: _____

2 Compartment Sink: _____

3 Compartment Sink: _____

Urinals: _____

Water Closets: _____

Lavatories: _____

Other: _____

Other Information to be Submitted with Project

- ☐ 1. A chemical analysis report shall be submitted to this office by a certified laboratory. If the source water is from another public water system, then a chemical analysis report is not required.

VIII. Fees

Check or money order must be made payable to "Kentucky State Treasurer" for the total amount. Fees do not apply to projects FUNDED by a municipality, water district, or other publicly owned utility.

Project Category: _____ Total Amount: \$ _____

**KENTUCKY FEDERALLY ASSISTED DRINKING WATER STATE REVOLVING FUND
PLANS AND SPECIFICATIONS REVIEW CHECKLIST**

Loan No./Loan Recipient: _____

Contract I.D./Name: _____

Project No.: _____

Design Firm _____

The information provided is accurate for the above referenced contract to the best of my knowledge and belief.

Design Engineer _____
Signature _____
Date _____

Please submit four copies of the plans and specifications with other forms at this time to the Division of Water. These plans and specifications must be sealed, signed and dated by a Professional Engineer and the title page must include the DOW loan number. When approved, the Division of Water will submit a copy of the state-stamped plans and specifications to the following:

Loan Recipient
Consultant

NOTE: When the project is advertised, a set of as-bid plans and specifications and a copy of the advertisement must be submitted to the Division of Water immediately.

Questions with (DOW) are to be completed by the Division of Water Engineer.

I have reviewed the information provided by the design engineer, verified the accuracy, and completed the **(DOW)** questions.

(DOW) Review Engineer

Signature

Date

FEDERALLY ASSISTED DRINKING WATER STATE REVOLVING FUND

PLANS AND SPECIFICATIONS REVIEW

Loan Recipient/No.: _____

Projected Sources of Funds

Source	Amount
_____	_____
_____	_____
_____	_____

Contract Period, Number of Days _____

Estimated Construction Amount(s) \$ _____
FADWSRF Eligible \$ _____
FADWSRF Non-eligible \$ _____

Description of proposed project in terms of type of treatment, flow capacity, and process unit for water treatment plants, length of waterlines, type of pipe, tanks and pump stations.

Yes No N/A

Does the eligible portion include:

- | | | | |
|--------------------------|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Demolition: Is it limited to that required for new construction? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Replacement of existing utilities: Is no "betterment" proposed? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Paving: Is it limited to the trench width and cutbacks? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Standby generators: Has justification been provided? |

The following items are considered ineligible for SRF projects. Are any of these included in the specifications:

- | | | | |
|--------------------------|--------------------------|--------------------------|-----------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Bonus payments? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Immediately available hand tools? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Mowers, snow blowers, trimmers? |

Yes No N/A

- | | | | |
|--------------------------|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Replacement of facilities previously funded by EPA or SRF, which are still within the useful life unless EPA or SRF has approved abandonment? |
|--------------------------|--------------------------|--------------------------|---|

- | | | | |
|--------------------------|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Redundant facilities (unless required by state or federal reliability requirements)? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Routine maintenance items (oil, grease, filters, etc.)? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Utility vehicles/golf carts? |

List all FADWSRF ineligible items in the project.

Yes No N/A

(DOW)

- | | | | |
|--------------------------|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Does DOW review engineer concur with the description of SRF ineligible items? |
|--------------------------|--------------------------|--------------------------|---|

(DOW)

- | | | | |
|--------------------------|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Are the plans and specifications sealed, signed and dated by a professional engineer? |
|--------------------------|--------------------------|--------------------------|---|

- | | | | |
|--------------------------|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 1. Are electric motors and components above the 100-year flood elevation? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 2. Are buildings protected from the 100 year flood and usable at the 25 year flood level? |

Clearinghouse Comments

Yes No N/A

Loan Recipient has:

- | | | | |
|--------------------------|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 1. Obtained Kentucky Department of Transportation encroachment permits? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 2. Obtained determination from Kentucky Department for Labor that state labor laws are applicable, and if applicable, state wage rates and regulations are included in the specifications? Provide letter from Kentucky Labor Cabinet. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 3. If state labor laws apply, do specifications indicate overtime pay is required for work in excess of an 8-hour day? |

Yes No N/A

- | | | | |
|--------------------------|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 4. State Wage Rate Number _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 5. Obtained a release from the Kentucky Heritage Council and the State Historic Preservation Officer? |

- | | | | | |
|--------------------------|--------------------------|--------------------------|-----|--|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 6. | If the answer to #5 is no, are all survey report conditions incorporated in the plans and specifications? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 7. | Obtained a letter from the Kentucky Nature Preserves Commission indicating there are no species of plant, animal or sensitive natural areas monitored by the Commission in the project area? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 8. | If the answer to #7 is no, are all survey report conditions incorporated in the plans and specifications? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 9. | If sludge is to be disposed of in a landfill, has the landfill operator provided a letter of intent? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 10. | If sludge is to be land-farmed, has Division of Waste Management approved the proposed site? (Note: Submit copy of approval letter.) |

GENERAL INFORMATION

- | | | | | |
|--------------------------|--------------------------|--------------------------|----|--|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 1. | Are permits to construct required from other Federal or State Agencies? If yes, indicate which Agencies.

_____ |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 2. | Have the required permits been given? Provide the DOW with copies. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 3. | If the project includes work that will cumulatively disturb more than 200 linear feet of a blue line stream as shown on a USGS 7.5-min. topographic map, has an application for 401 certification been submitted to the DOW Water Quality Section? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 4. | If the project involves construction within a floodplain, including stream crossings, has an application for the appropriate permits been submitted to the DOW Floodplain Management Section? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 5. | If the loan recipient has requested to buy equipment and be exempt from sales tax, are the specifications written to accommodate this? |

Yes No N/A

- | | | | | |
|--------------------------|--------------------------|--------------------------|----|--|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 6. | Does this project eliminate any existing water treatment plants? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 7. | If value engineering (VE) was done (whether mandated or elected) are all adopted VE proposals incorporated in the plans and specs? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 8. | Have all required easements been obtained? |

- | | | | | |
|--------------------------|--------------------------|--------------------------|-----|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 9. | Has a site certificate been received? (Certificate required before construction starts) |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 10. | If this proposed project includes a sludge lagoon system has the DOW Groundwater Section been contacted regarding the need for a groundwater protection plan? Is a plan required? Provide copies of correspondence. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 11. | If this project is a result of a DOW enforcement action, have all construction-related activities been addressed in the scope of work for this project? Notify the Division of Enforcement. |

ENVIRONMENTAL CONSIDERATIONS

(DOW)

- | | | | | |
|--------------------------|--------------------------|--------------------------|----|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 1. | Has an Environmental Impact Statement (EIS) been written on this project? NOTE: Not Environmental Assessment. |
|--------------------------|--------------------------|--------------------------|----|---|

(DOW)

- | | | | | |
|--------------------------|--------------------------|--------------------------|----|--|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 2. | If answer to No. 1 is no, was a CED or FONSI issued? |
|--------------------------|--------------------------|--------------------------|----|--|

(DOW)

- | | | | | |
|--------------------------|--------------------------|--------------------------|----|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 3. | If answer to No. 1 is yes, have all recommendations of the EIS been followed? |
|--------------------------|--------------------------|--------------------------|----|---|

OTHER

(DOW)

- | | | | | |
|--------------------------|--------------------------|--------------------------|----|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 4. | Have the technical specifications been written to assure the maximum competition? |
| | | | a. | No unjustified experience clause. |
| | | | b. | Use of brand name or equal. |

PROPOSAL

YES NO N/A

(DOW)

- | | | | | |
|--------------------------|--------------------------|--------------------------|----|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 1. | Have SRF eligible and ineligible items been separated? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 2. | Time of completion _____ days. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 3. | If the contract allows for substitution of equipment; has deductible alternates; or has bid alternates, is the method for determining the low bidder clearly indicated? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 4. | Has a base bid and any alternatives been specified? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 5. | Are there any special conditions on evaluating lump sum contract? |

Please specify: _____

SPECIFICATIONS AND CONTRACT DOCUMENTS

***NOTE: (DOW) column in this Section is for the review engineer verification.**

INVITATION TO BID OR ADVERTISEMENT

*(DOW)	Section	Page	
<input type="checkbox"/>	_____	_____	1. Time and place of Bid Opening.
<input type="checkbox"/>	_____	_____	2. Where plans and specs may be obtained.
<input type="checkbox"/>	_____	_____	3. Work to be performed.
<input type="checkbox"/>	_____	_____	4. A statement bidders must comply with Title VI of the Civil Rights Act of 1964, the Anti-Kickback Act, and the Contract Work Hours Standard Act.
<input type="checkbox"/>	_____	_____	5. A statement that bidders must comply with the President's Executive Order No. 11246 as amended, which prohibits discrimination in employment regarding race, creed, color, sex or national origin.
<input type="checkbox"/>	_____	_____	6. This project will be in compliance with Executive Order 11246 (Equal Employment Opportunity) as amended.
<input type="checkbox"/>	_____	_____	7. A statement that the Contractor/Subcontractor will comply with 41 CFR 60-4, in regard to affirmative action, to insure equal opportunity to females and minorities and will apply the time tables and goal set forth in 41 CFR 60-4.
<input type="checkbox"/>	_____	_____	8. A statement that the bidder will make positive efforts to use small, minority, women owned and disadvantaged businesses.
<input type="checkbox"/>	_____	_____	9. A statement that the contract is being funded in part with a KIA FADWSRF loan.
<input type="checkbox"/>	_____	_____	10. A statement that the award will be made to the lowest, responsive, responsible bidder.

INSTRUCTIONS TO BIDDERS, GENERAL AND SPECIAL CONDITIONS

*(DOW)	Section	Page	
<input type="checkbox"/>	_____	_____	1. Bid Bond Requirements (5% for Contracts over \$100,000).
<input type="checkbox"/>	_____	_____	2. 100% Performance Bond and 100% Payment Bond for contracts over \$100,000. Single Payment and Performance Bonds may be used for contracts under \$100,000. Performance Bond must be valid for one year beyond date of acceptance of the completed project.
<input type="checkbox"/>	_____	_____	3. Method of Award (to the low responsive, responsible bidder unless all bids are rejected). Refer to 40 CFR 31.36(d). All bids shall not be rejected without proper justification.
<input type="checkbox"/>	_____	_____	4. Basis for determining responsiveness and responsibility of low bidder.
<input type="checkbox"/>	_____	_____	5. Contract Time _____ days.

- | | | | |
|--------------------------|-------|-------|--|
| <input type="checkbox"/> | _____ | _____ | 6. Liquidated Damages _____ dollars per day. |
| <input type="checkbox"/> | _____ | _____ | 7. Criteria that are used to evaluate proposed "equal" products. |
| <input type="checkbox"/> | _____ | _____ | 8. Workmen's Compensation Insurance. |
| <input type="checkbox"/> | _____ | _____ | 9. Public Liability Insurance |
| <input type="checkbox"/> | _____ | _____ | 10. Fire and extended coverage insurance (Builders Risk). |
| <input type="checkbox"/> | _____ | _____ | 11. Reasonable care shall be taken during construction to avoid damage to vegetation. Ornamental shrubbery and tree branches shall be temporarily tied back, where appropriate, to minimize damage. Trees that receive damage to branches shall be trimmed of those branches to improve the appearance of the tree. Tree trunks receiving damage from equipment shall be treated with a tree dressing. |
| <input type="checkbox"/> | _____ | _____ | 12. Compliance with OSHA (P.L. 91-596) and the Contract Work Hours and Safety Standards Act (P.L. 91-54). |
| <input type="checkbox"/> | _____ | _____ | 13. A statement that change orders to the construction contract must comply with DOW Procurement Guidance for Construction and Equipment Contracts. |
| <input type="checkbox"/> | _____ | _____ | 14. Does the contract require cost, pricing, and certification for change orders exceeding \$100,000 as required by DOW Procurement Guidance for Construction and Equipment Contracts? |
| <input type="checkbox"/> | _____ | _____ | 15. Does the contract require that the contractor provide project construction and payment schedules? |

SUPPLEMENTAL GENERAL CONDITIONS

Have the Supplemental General Conditions (2010) been included in the specifications?
 _____. If not, has the required wording/information from the referenced attachments been included:

- | *(DOW) | Section | Page | |
|--------------------------|---------|-------|--|
| <input type="checkbox"/> | _____ | _____ | 1. Attachment No. 1
Special Provisions |
| <input type="checkbox"/> | _____ | _____ | 2. Attachment No. 2
Requirements for Sub-agreements awarded by Prime Contractor |
| <input type="checkbox"/> | _____ | _____ | 3. Attachment No. 3A
Federal Procurement Code |
| <input type="checkbox"/> | _____ | _____ | 4. Attachment No. 3B
State Procurement Code |
| <input type="checkbox"/> | _____ | _____ | 5. Attachment No. 4 through 8
EEO Documents |
| <input type="checkbox"/> | _____ | _____ | 6. Attachment No. 9
Labor Provisions |

- | | | | |
|--------------------------|-------|-------|---|
| <input type="checkbox"/> | _____ | _____ | 7. Attachment No. 10
Debarment, Suspension and Other Responsibilities
Certification |
| <input type="checkbox"/> | _____ | _____ | 8. Attachment No. 11
Anti-Lobbying Certification |
| <input type="checkbox"/> | _____ | _____ | 9. Attachment No. 12 & 13
Disadvantaged Business Enterprise Requirements and Rates |
| <input type="checkbox"/> | _____ | _____ | 10. Attachment No. 14
Bonds and Insurance |
| <input type="checkbox"/> | _____ | _____ | 11. Attachment No. 15
Outlay Management |
| <input type="checkbox"/> | _____ | _____ | 12. Attachment No. 16
Notice of Intent for Storm Water Permit |
| <input type="checkbox"/> | _____ | _____ | 13. Attachment No. 17
Wage Rates |

DOW Engineer, copy Pages 10, 11 and 12 and give to SRF & SPAP Section Project Administrator)

AREAS OF WORK – DISADVANTAGED BUSINESS ENTERPRISE

Loan No./Loan Recipient: _____

Project Name: _____

Contact Person: _____

Address: _____

Phone No: _____

Consultant: _____

Contact Person: _____

Address: _____

Phone No.: _____

Contract No./Type: _____

Estimated Bid Date: _____

This contract will include the following work:

<u>General Construction</u>	<u>Check if Included</u>	<u>Estimated Cost</u>
Backhoe	<input type="checkbox"/>	_____
Concrete Construction	<input type="checkbox"/>	_____
Concrete Finishers	<input type="checkbox"/>	_____
Demolition	<input type="checkbox"/>	_____
Excavating	<input type="checkbox"/>	_____
General Construction	<input type="checkbox"/>	_____
Material Haulers	<input type="checkbox"/>	_____
Seeding	<input type="checkbox"/>	_____
Sodding	<input type="checkbox"/>	_____
Surveyors	<input type="checkbox"/>	_____
Pipe Layers	<input type="checkbox"/>	_____
	<u>Check if Included</u>	<u>Estimated Cost</u>
<u>Building Construction</u>		
Drywall	<input type="checkbox"/>	_____
Electrical Contractors	<input type="checkbox"/>	_____
Flooring	<input type="checkbox"/>	_____
HVAC	<input type="checkbox"/>	_____
Insulation	<input type="checkbox"/>	_____
Landscaping	<input type="checkbox"/>	_____
Masonry	<input type="checkbox"/>	_____
Painting Contractors	<input type="checkbox"/>	_____
Plaster	<input type="checkbox"/>	_____
Plumbing	<input type="checkbox"/>	_____
Roofing	<input type="checkbox"/>	_____
Sandblasting	<input type="checkbox"/>	_____
Sprinkler System Installation	<input type="checkbox"/>	_____
Wiring	<input type="checkbox"/>	_____
<u>Roadway Construction</u>		
Asphalt Removal	<input type="checkbox"/>	_____
Guardrail Work	<input type="checkbox"/>	_____
Roadway and Right-of-Way Work	<input type="checkbox"/>	_____
<u>Water Line Construction</u>		
Pipe Fabrication	<input type="checkbox"/>	_____
PVC or D.I. Pipe Supplier	<input type="checkbox"/>	_____
Water Line Work	<input type="checkbox"/>	_____
Water Valve Supplier	<input type="checkbox"/>	_____
Fire Hydrant Supplier	<input type="checkbox"/>	_____
<u>Specialized Construction</u>		
Asbestos Removal	<input type="checkbox"/>	_____
Installation of Alarm Systems	<input type="checkbox"/>	_____
Safety Equipment Installation	<input type="checkbox"/>	_____
Steel Erecting and Tiering	<input type="checkbox"/>	_____

Installation of Telemetry	<input type="checkbox"/>	_____
<u>Supplier</u>		
Construction Equipment Sales	<input type="checkbox"/>	_____
Glass Suppliers and Glazing	<input type="checkbox"/>	_____
Industrial Chemical Suppliers	<input type="checkbox"/>	_____
Industrial Equipment Suppliers	<input type="checkbox"/>	_____
Manufacturer - canopies, aluminum windows, and aluminum handrails	<input type="checkbox"/>	_____
Plumbing Suppliers	<input type="checkbox"/>	_____

	<u>Check if Included</u>	<u>Estimated Cost</u>
<u>Supplier (Continued)</u>		
Sheet Metal Manufacturer	<input type="checkbox"/>	_____
Steel Fabrication	<input type="checkbox"/>	_____
Steel Supplier	<input type="checkbox"/>	_____
Trucking <input type="checkbox"/>		_____
Water Treatment Chemicals and Equipment	<input type="checkbox"/>	_____
Window Replacements	<input type="checkbox"/>	_____

1. Given the nature of the scope of work of this contract, is a DBE participation of 3 and 5 percent achievable?
☐ Yes ☐ No

DOW will send this checklist to the following agencies:

KPAP
 Community Development Office
 Cabinet for Economic Development
 Capital Plaza Tower
 Frankfort, Kentucky 40601

Office for Civil Rights & Small Business Development
 Department of Transportation
 200 Mero Street
 Frankfort, Kentucky. 40622

- * Minority Economic Development Initiative
 Hopkinsville-Christian County Economic Development Council
 2800 Fort Campbell Boulevard
 Hopkinsville, Kentucky 42240
 Attn: Director

*For Projects West of Elizabethtown

KENTUCKY FEDERALLY ASSISTED DRINKING WATER STATE REVOLVING FUND
PLANS AND SPECIFICATIONS REVIEW CHECKLIST

Loan No./Loan Recipient: _____

Contract I.D./Name: _____

Project No.: _____

Design Firm _____

The information provided is accurate for the above referenced contract to the best of my knowledge and belief.

Design Engineer _____

Signature

Date

Please submit four copies of the plans and specifications with other forms at this time to the Division of Water. These plans and specifications must be sealed, signed and dated by a Professional Engineer and the title page must include the DOW loan number. When approved, the Division of Water will submit a copy of the state-stamped plans and specifications to the following:

Loan Recipient
Consultant

NOTE: When the project is advertised, a set of as-bid plans and specifications and a copy of the advertisement must be submitted to the Division of Water immediately.

Questions with (DOW) are to be completed by the Division of Water Engineer.

I have reviewed the information provided by the design engineer, verified the accuracy, and completed the **(DOW)** questions.

(DOW) Review Engineer

Signature

Date

FEDERALLY ASSISTED DRINKING WATER STATE REVOLVING FUND

PLANS AND SPECIFICATIONS REVIEW

Loan Recipient/No.: _____

Projected Sources of Funds

Source	Amount
_____	_____
_____	_____
_____	_____

Contract Period, Number of Days _____

Estimated Construction Amount(s) \$ _____

FADWSRF Eligible \$ _____

FADWSRF Non-eligible \$ _____

Description of proposed project in terms of type of treatment, flow capacity, and process unit for water treatment plants, length of waterlines, type of pipe, tanks and pump stations.

Yes No N/A

Does the eligible portion include:

- | | | | |
|--------------------------|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Demolition: Is it limited to that required for new construction? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Replacement of existing utilities: Is no "betterment" proposed? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Paving: Is it limited to the trench width and cutbacks? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Standby generators: Has justification been provided? |

The following items are considered ineligible for SRF projects. Are any of these included in the specifications:

- | | | | |
|--------------------------|--------------------------|--------------------------|-----------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Bonus payments? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Immediately available hand tools? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Mowers, snow blowers, trimmers? |

Yes No N/A

- | | | | |
|--------------------------|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Replacement of facilities previously funded by EPA or SRF, which are still within the useful life unless EPA or SRF has approved abandonment? |
|--------------------------|--------------------------|--------------------------|---|

- | | | | |
|--------------------------|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Redundant facilities (unless required by state or federal reliability requirements)? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Routine maintenance items (oil, grease, filters, etc.)? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Utility vehicles/golf carts? |

List all FADWSRF ineligible items in the project.

Yes No N/A

(DOW)

- | | | | |
|--------------------------|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Does DOW review engineer concur with the description of SRF ineligible items? |
|--------------------------|--------------------------|--------------------------|---|

(DOW)

- | | | | |
|--------------------------|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Are the plans and specifications sealed, signed and dated by a professional engineer? |
|--------------------------|--------------------------|--------------------------|---|

- | | | | |
|--------------------------|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 1. Are electric motors and components above the 100-year flood elevation? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 2. Are buildings protected from the 100 year flood and usable at the 25 year flood level? |

Clearinghouse Comments

Yes No N/A

Loan Recipient has:

- | | | | |
|--------------------------|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 1. Obtained Kentucky Department of Transportation encroachment permits? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 2. Obtained determination from Kentucky Department for Labor that state labor laws are applicable, and if applicable, state wage rates and regulations are included in the specifications? Provide letter from Kentucky Labor Cabinet. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 3. If state labor laws apply, do specifications indicate overtime pay is required for work in excess of an 8-hour day? |

Yes No N/A

- | | | | |
|--------------------------|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 4. State Wage Rate Number _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 5. Obtained a release from the Kentucky Heritage Council and the State Historic Preservation Officer? |

- | | | | | |
|--------------------------|--------------------------|--------------------------|-----|--|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 6. | If the answer to #5 is no, are all survey report conditions incorporated in the plans and specifications? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 7. | Obtained a letter from the Kentucky Nature Preserves Commission indicating there are no species of plant, animal or sensitive natural areas monitored by the Commission in the project area? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 8. | If the answer to #7 is no, are all survey report conditions incorporated in the plans and specifications? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 9. | If sludge is to be disposed of in a landfill, has the landfill operator provided a letter of intent? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 10. | If sludge is to be land-farmed, has Division of Waste Management approved the proposed site? (Note: Submit copy of approval letter.) |

GENERAL INFORMATION

- | | | | | |
|--------------------------|--------------------------|--------------------------|----|--|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 1. | Are permits to construct required from other Federal or State Agencies? If yes, indicate which Agencies.

_____ |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 2. | Have the required permits been given? Provide the DOW with copies. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 3. | If the project includes work that will cumulatively disturb more than 200 linear feet of a blue line stream as shown on a USGS 7.5-min. topographic map, has an application for 401 certification been submitted to the DOW Water Quality Section? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 4. | If the project involves construction within a floodplain, including stream crossings, has an application for the appropriate permits been submitted to the DOW Floodplain Management Section? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 5. | If the loan recipient has requested to buy equipment and be exempt from sales tax, are the specifications written to accommodate this? |

Yes No N/A

- | | | | | |
|--------------------------|--------------------------|--------------------------|----|--|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 6. | Does this project eliminate any existing water treatment plants? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 7. | If value engineering (VE) was done (whether mandated or elected) are all adopted VE proposals incorporated in the plans and specs? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 8. | Have all required easements been obtained? |

- | | | | | |
|--------------------------|--------------------------|--------------------------|-----|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 9. | Has a site certificate been received? (Certificate required before construction starts) |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 10. | If this proposed project includes a sludge lagoon system has the DOW Groundwater Section been contacted regarding the need for a groundwater protection plan? Is a plan required? Provide copies of correspondence. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 11. | If this project is a result of a DOW enforcement action, have all construction-related activities been addressed in the scope of work for this project? Notify the Division of Enforcement. |

ENVIRONMENTAL CONSIDERATIONS

(DOW)

- | | | | | |
|--------------------------|--------------------------|--------------------------|----|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 1. | Has an Environmental Impact Statement (EIS) been written on this project? NOTE: Not Environmental Assessment. |
|--------------------------|--------------------------|--------------------------|----|---|

(DOW)

- | | | | | |
|--------------------------|--------------------------|--------------------------|----|--|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 2. | If answer to No. 1 is no, was a CED or FONSI issued? |
|--------------------------|--------------------------|--------------------------|----|--|

(DOW)

- | | | | | |
|--------------------------|--------------------------|--------------------------|----|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 3. | If answer to No. 1 is yes, have all recommendations of the EIS been followed? |
|--------------------------|--------------------------|--------------------------|----|---|

OTHER

(DOW)

- | | | | | |
|--------------------------|--------------------------|--------------------------|----|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 4. | Have the technical specifications been written to assure the maximum competition? |
| | | | a. | No unjustified experience clause. |
| | | | b. | Use of brand name or equal. |

PROPOSAL

YES NO N/A

(DOW)

- | | | | | |
|--------------------------|--------------------------|--------------------------|----|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 1. | Have SRF eligible and ineligible items been separated? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 2. | Time of completion _____ days. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 3. | If the contract allows for substitution of equipment; has deductible alternates; or has bid alternates, is the method for determining the low bidder clearly indicated? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 4. | Has a base bid and any alternatives been specified? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 5. | Are there any special conditions on evaluating lump sum contract? |

Please specify: _____

SPECIFICATIONS AND CONTRACT DOCUMENTS

***NOTE: (DOW) column in this Section is for the review engineer verification.**

INVITATION TO BID OR ADVERTISEMENT

*(DOW)	Section	Page	
<input type="checkbox"/>	_____	_____	1. Time and place of Bid Opening.
<input type="checkbox"/>	_____	_____	2. Where plans and specs may be obtained.
<input type="checkbox"/>	_____	_____	3. Work to be performed.
<input type="checkbox"/>	_____	_____	4. A statement bidders must comply with Title VI of the Civil Rights Act of 1964, the Anti-Kickback Act, and the Contract Work Hours Standard Act.
<input type="checkbox"/>	_____	_____	5. A statement that bidders must comply with the President's Executive Order No. 11246 as amended, which prohibits discrimination in employment regarding race, creed, color, sex or national origin.
<input type="checkbox"/>	_____	_____	6. This project will be in compliance with Executive Order 11246 (Equal Employment Opportunity) as amended.
<input type="checkbox"/>	_____	_____	7. A statement that the Contractor/Subcontractor will comply with 41 CFR 60-4, in regard to affirmative action, to insure equal opportunity to females and minorities and will apply the time tables and goal set forth in 41 CFR 60-4.
<input type="checkbox"/>	_____	_____	8. A statement that the bidder will make positive efforts to use small, minority, women owned and disadvantaged businesses.
<input type="checkbox"/>	_____	_____	9. A statement that the contract is being funded in part with a KIA FADWSRF loan.
<input type="checkbox"/>	_____	_____	10. A statement that the award will be made to the lowest, responsive, responsible bidder.

INSTRUCTIONS TO BIDDERS, GENERAL AND SPECIAL CONDITIONS

*(DOW)	Section	Page	
<input type="checkbox"/>	_____	_____	1. Bid Bond Requirements (5% for Contracts over \$100,000).
<input type="checkbox"/>	_____	_____	2. 100% Performance Bond and 100% Payment Bond for contracts over \$100,000. Single Payment and Performance Bonds may be used for contracts under \$100,000. Performance Bond must be valid for one year beyond date of acceptance of the completed project.
<input type="checkbox"/>	_____	_____	3. Method of Award (to the low responsive, responsible bidder unless all bids are rejected). Refer to 40 CFR 31.36(d). All bids shall not be rejected without proper justification.
<input type="checkbox"/>	_____	_____	4. Basis for determining responsiveness and responsibility of low bidder.
<input type="checkbox"/>	_____	_____	5. Contract Time _____ days.

- | | | | |
|--------------------------|-------|-------|--|
| <input type="checkbox"/> | _____ | _____ | 6. Liquidated Damages _____ dollars per day. |
| <input type="checkbox"/> | _____ | _____ | 7. Criteria that are used to evaluate proposed "equal" products. |
| <input type="checkbox"/> | _____ | _____ | 8. Workmen's Compensation Insurance. |
| <input type="checkbox"/> | _____ | _____ | 9. Public Liability Insurance |
| <input type="checkbox"/> | _____ | _____ | 10. Fire and extended coverage insurance (Builders Risk). |
| <input type="checkbox"/> | _____ | _____ | 11. Reasonable care shall be taken during construction to avoid damage to vegetation. Ornamental shrubbery and tree branches shall be temporarily tied back, where appropriate, to minimize damage. Trees that receive damage to branches shall be trimmed of those branches to improve the appearance of the tree. Tree trunks receiving damage from equipment shall be treated with a tree dressing. |
| <input type="checkbox"/> | _____ | _____ | 12. Compliance with OSHA (P.L. 91-596) and the Contract Work Hours and Safety Standards Act (P.L. 91-54). |
| <input type="checkbox"/> | _____ | _____ | 13. A statement that change orders to the construction contract must comply with DOW Procurement Guidance for Construction and Equipment Contracts. |
| <input type="checkbox"/> | _____ | _____ | 14. Does the contract require cost, pricing, and certification for change orders exceeding \$100,000 as required by DOW Procurement Guidance for Construction and Equipment Contracts? |
| <input type="checkbox"/> | _____ | _____ | 15. Does the contract require that the contractor provide project construction and payment schedules? |

SUPPLEMENTAL GENERAL CONDITIONS

Have the Supplemental General Conditions (2010) been included in the specifications?
 _____. If not, has the required wording/information from the referenced attachments been included:

- | *(DOW) | Section | Page | |
|--------------------------|---------|-------|--|
| <input type="checkbox"/> | _____ | _____ | 1. Attachment No. 1
Special Provisions |
| <input type="checkbox"/> | _____ | _____ | 2. Attachment No. 2
Requirements for Sub-agreements awarded by Prime Contractor |
| <input type="checkbox"/> | _____ | _____ | 3. Attachment No. 3A
Federal Procurement Code |
| <input type="checkbox"/> | _____ | _____ | 4. Attachment No. 3B
State Procurement Code |
| <input type="checkbox"/> | _____ | _____ | 5. Attachment No. 4 through 8
EEO Documents |
| <input type="checkbox"/> | _____ | _____ | 6. Attachment No. 9
Labor Provisions |

- | | | | |
|--------------------------|-------|-------|---|
| <input type="checkbox"/> | _____ | _____ | 7. Attachment No. 10
Debarment, Suspension and Other Responsibilities
Certification |
| <input type="checkbox"/> | _____ | _____ | 8. Attachment No. 11
Anti-Lobbying Certification |
| <input type="checkbox"/> | _____ | _____ | 10. Attachment No. 12 & 13
Disadvantaged Business Enterprise Requirements and Rates |
| <input type="checkbox"/> | _____ | _____ | 10. Attachment No. 14
Bonds and Insurance |
| <input type="checkbox"/> | _____ | _____ | 11. Attachment No. 15
Outlay Management |
| <input type="checkbox"/> | _____ | _____ | 12. Attachment No. 16
Notice of Intent for Storm Water Permit |
| <input type="checkbox"/> | _____ | _____ | 13. Attachment No. 17
Wage Rates |

DOW Engineer, copy Pages 10, 11 and 12 and give to SRF & SPAP Section Project Administrator)

AREAS OF WORK – DISADVANTAGED BUSINESS ENTERPRISE

Loan No./Loan Recipient: _____

Project Name: _____

Contact Person: _____

Address: _____

Phone No: _____

Consultant: _____

Contact Person: _____

Address: _____

Phone No.: _____

Contract No./Type: _____

Estimated Bid Date: _____

This contract will include the following work:

<u>General Construction</u>	<u>Check if Included</u>	<u>Estimated Cost</u>
Backhoe	<input type="checkbox"/>	_____
Concrete Construction	<input type="checkbox"/>	_____
Concrete Finishers	<input type="checkbox"/>	_____
Demolition	<input type="checkbox"/>	_____
Excavating	<input type="checkbox"/>	_____
General Construction	<input type="checkbox"/>	_____
Material Haulers	<input type="checkbox"/>	_____
Seeding	<input type="checkbox"/>	_____
Sodding	<input type="checkbox"/>	_____
Surveyors	<input type="checkbox"/>	_____
Pipe Layers	<input type="checkbox"/>	_____
	<u>Check if Included</u>	<u>Estimated Cost</u>
<u>Building Construction</u>		
Drywall	<input type="checkbox"/>	_____
Electrical Contractors	<input type="checkbox"/>	_____
Flooring	<input type="checkbox"/>	_____
HVAC	<input type="checkbox"/>	_____
Insulation	<input type="checkbox"/>	_____
Landscaping	<input type="checkbox"/>	_____
Masonry	<input type="checkbox"/>	_____
Painting Contractors	<input type="checkbox"/>	_____
Plaster	<input type="checkbox"/>	_____
Plumbing	<input type="checkbox"/>	_____
Roofing	<input type="checkbox"/>	_____
Sandblasting	<input type="checkbox"/>	_____
Sprinkler System Installation	<input type="checkbox"/>	_____
Wiring	<input type="checkbox"/>	_____
<u>Roadway Construction</u>		
Asphalt Removal	<input type="checkbox"/>	_____
Guardrail Work	<input type="checkbox"/>	_____
Roadway and Right-of-Way Work	<input type="checkbox"/>	_____
<u>Water Line Construction</u>		
Pipe Fabrication	<input type="checkbox"/>	_____
PVC or D.I. Pipe Supplier	<input type="checkbox"/>	_____
Water Line Work	<input type="checkbox"/>	_____
Water Valve Supplier	<input type="checkbox"/>	_____
Fire Hydrant Supplier	<input type="checkbox"/>	_____
<u>Specialized Construction</u>		
Asbestos Removal	<input type="checkbox"/>	_____
Installation of Alarm Systems	<input type="checkbox"/>	_____
Safety Equipment Installation	<input type="checkbox"/>	_____
Steel Erecting and Tiering	<input type="checkbox"/>	_____

Installation of Telemetry	<input type="checkbox"/>	_____
<u>Supplier</u>		
Construction Equipment Sales	<input type="checkbox"/>	_____
Glass Suppliers and Glazing	<input type="checkbox"/>	_____
Industrial Chemical Suppliers	<input type="checkbox"/>	_____
Industrial Equipment Suppliers	<input type="checkbox"/>	_____
Manufacturer - canopies, aluminum windows, and aluminum handrails	<input type="checkbox"/>	_____
Plumbing Suppliers	<input type="checkbox"/>	_____

	<u>Check if Included</u>	<u>Estimated Cost</u>
<u>Supplier (Continued)</u>		
Sheet Metal Manufacturer	<input type="checkbox"/>	_____
Steel Fabrication	<input type="checkbox"/>	_____
Steel Supplier	<input type="checkbox"/>	_____
Trucking <input type="checkbox"/>		_____
Water Treatment Chemicals and Equipment	<input type="checkbox"/>	_____
Window Replacements	<input type="checkbox"/>	_____

1. Given the nature of the scope of work of this contract, is a DBE participation of 3 and 5 percent achievable?
☐ Yes ☐ No

DOW will send this checklist to the following agencies:

KPAP
 Community Development Office
 Cabinet for Economic Development
 Capital Plaza Tower
 Frankfort, Kentucky 40601

Office for Civil Rights & Small Business Development
 Department of Transportation
 200 Mero Street
 Frankfort, Kentucky. 40622

- * Minority Economic Development Initiative
 Hopkinsville-Christian County Economic Development Council
 2800 Fort Campbell Boulevard
 Hopkinsville, Kentucky 42240
 Attn: Director

*For Projects West of Elizabethtown

REQUIREMENTS FOR A CLEAR SITE CERTIFICATE

The certificate must certify to the following:

- (1) That all real property (including easements) acquired for the entire project funded by EPA regardless of whether or not EPA participates in the cost of purchasing the real property (including easements) was acquired in accordance with the Surface Transportation and Uniform Relocation Assistance Act of 1987 as set forth in 49 CFR Part 24.
- (2) That a qualified Title Counsel has examined the title and other appropriate records and that the grantee has legal and valid estate or interest in the property and shall have assured undisturbed use of all property (including easements) for the estimated life of the property.
- (3) That a fee simple or such other estate or interest in the project site(s) shall be retained for the estimated life of the project to assure undisturbed use of the site(s).

In the case of real property purchased with EPA assistance for use as an integral part of the treatment process or for ultimate disposal of residues resulting from such treatment, the following or similar statement must be attached to the certificate:

“Special Certificate for Real Property Purchased with EPA Assistance”

“The grantee specifically recognizes that the Environmental Protection Agency has funded _____ % of the eligible project cost of land purchased under the provisions of 40 CFR 35.940-3. In consideration of that federal assistance, the grantee certifies and agrees that the subject realty shall be held in accordance with the provisions as stated in 49 CFR Part 24.”

“The grantee further certifies that the title to the land has been encumbered under the requirements of State and local laws to adequately protect the interest of the United States.”

The amount and type of each search required, in the case of easements or leases, for a site certificate is whatever is needed to satisfy the Title Attorney that the grantee has a right under State and local laws to access and undisturbed use of the site for the life of the project. The grantee’s interest in real property (including easements) must be valid and defensible in a Court of Law. In respect to real property acquired in fee simple, the grantee must be assured a marketable title with no encumbrances except that which protects the Federal government’s interest, if the real property is purchased in part by an EPA grant. A responsible and qualified Title Counsel will know the extent of search and the interest in the site required in order to provide these assurances and certifications.

Clear Certificate - Applicant

This certificate is to be completed by the applicant/grantee and submitted with the EPA Application or at the time the plans and specifications are submitted.

If all or part of the real property required for the project is under condemnation proceedings, the certificate will be submitted as soon as condemnation is completed. (See Limited Certificate.)

If all or part of the real property required for the project must be acquired after the grant is awarded because of Federal or State requirements as in the case of real property to be used for land treatment, this certificate must be completed and submitted as soon as that property is acquired. (See Limited Certificate.)

SITE CERTIFICATE

I certify that the grantee, the City of _____, has acquired all real property including easements and rights-of-way that are or will be required for construction, (erection, extension, modification, addition) operation and maintenance of the entire wastewater treatment works project no. _____.

I certify that, if other municipalities are served by the wastewater treatment works project _____, those municipalities have acquired real property including easements and rights-of-way required for service to those municipalities.

I certify that the Title Counsel's Certification given on the attached certificate covers all real property including easements and rights-of way required for construction, operation and maintenance of the entire wastewater treatment works project _____.

I further certify that all real property including easements required for the entire wastewater treatment works project, _____, acquired in accordance with the requirements of the Surface Transportation and Uniform Relocation Assistance Act of 1987 as set forth in 49 CFR Part 24.

Dated this _____ day of _____, 20__

e's Authorized Representative

Grantee

(Mayor, City Manager, Commissioner, etc.)

Title

Clear Certificate - Title Counsel

This certificate is to be completed after all real property including easements and rights-of-way have been acquired and Title Counsel has determined that the applicant/grantee will have legal right to undisturbed use of the total project site for the entire life of the project.

This certificate must be submitted with the grant application or at the same time the plans and specifications are submitted.

If real property is acquired by condemnation, this certificate will be submitted when condemnation is complete (See Limited Certificate).

If real property can only be acquired after the award of a grant because of Federal requirements, this certificate will be submitted as soon as the property is acquired (See Limited Certificate).

SITE CERTIFICATE

Project No. _____

I, _____, Attorney at Law,
representing the _____ as Title Counsel, do hereby certify:

1. That I have investigated and ascertained the location of, and am familiar with the legal description of the site or sites being provided by the Applicant/Grantee for all elements of the Wastewater Treatment Works Project identified above to be constructed (modified, extended, improved, altered) operated and maintained in and upon such site or sites.
2. That I have examined the deed records of the county or counties in which such a project is to be located and in my opinion, the Applicant/Grantee has a legal and valid fee simple title or such other estate or interest in the site of the project, including necessary easements and rights-of-way sufficient to assure undisturbed use and possession for the purpose of construction, operation and maintenance for the estimated life of the project.
3. That any deeds or documents required to be recorded in order to protect the title of the owner and the interest of the Applicant/Grantee have been duly recorded and filed for record wherever necessary.
4. That, if applicable, the title to real property for which the Environmental Protection Agency has funded ____ % of the cost has been encumbered in accordance with the requirements of State and local law to adequately protect the interest of the United States.
5. Remarks:

Dated this _____ day of _____, 20__

Attorney at Law

Address

Limited (Qualified) Certificate – Applicant/Grantee

Condemnation Proceedings – This certificate is to be completed when all or part of the real property needed for the project is being acquired by condemnation.

A description or appropriate designation of the real property (parcel number, reference code, etc.) and a schedule for completion of acquisition must be attached.

LIMITED SITE CERTIFICATE

I certify that the Applicant/Grantee, city of _____ (Municipality) has entered into condemnation proceedings for the real property and/or easements described on the attached sheet(s). All other real property including easements and rights-of-way that are required for the construction (erection, extension, modification, addition to) operation and maintenance of the entire wastewater treatment works project no. _____ have been acquired.

I certify that, if other municipalities are served by this wastewater treatment works project, no. _____, those municipalities have acquired all real property including easements and rights-of-way required for service to those municipalities except those described on the attached sheet(s) which are under condemnation procedures.

I certify that the Title Counsel's certification given on the attached certificate covers all real property including easements and rights-of-way required for construction, operation and maintenance of the entire wastewater treatment works project no. _____ except those that are under condemnation procedures.

I certify that all real property including easements required for the entire wastewater treatment works project, no. _____, that has already been acquired, was acquired in accordance with the requirements of the Surface Transportation and Uniform Relocation Assistance Act of 1987 as set forth in 49 CFR Part 24.

I certify that the grantee/applicant complied with 49 CFR Part 24 in its efforts to acquire by negotiation real property including easements described on the attached sheet(s) prior to entering into condemnation proceedings. I further certify that the fair market value of this real property including easements has been deposited with the Court and that the Court has issued a "right of entry" to these properties so that construction can begin and be completed without interruption.

Date this _____ day of _____, 20__.

B. Grantee's Authorized Representative

Title (Mayor, City Manager, Commissioner, etc.)

Limited Qualified Certificate – Applicant/Grantee

Federal/State Law prohibits site acquisition prior to grant application.

This certificate is to be completed and submitted with the grant application, if all or part of the real property required for the project site must be acquired after the grant award because of State or Federal requirements. The documentation listed on the certificate must be submitted with the certificate.

GRANTEE'S

LIMITED SITE CERTIFICATE

I certify that the Applicant/Grantee is prohibited by Federal/State Law or Regulation from acquiring _____ (real property - easements - rights-of-way) prior to receiving a loan for erection or wastewater treatment project no. _____. The following documents submitted in support of this certification are attached:

1. The appropriate designation (parcel number, reference code, etc.) for the property site.
2. The State or Federal requirements that prohibits the acquisition of property rights, or bonafide options, or initiation of formal condemnation proceedings, prior to grant award.
3. Future actions required to obtain in the property or property rights, and a schedule of these actions.

I certify that all sites not subject to the Federal/State prohibition have been acquired and that they were acquired in accordance with the Surface Transportation and Uniform Relocation Assistance Act of 1987 as set forth in 49 CFR Part 24.

I certify that the attached Title Counsel's certification covers all real property, easements and rights-of-way acquired for wastewater treatment works project no. _____, except that described on the attachment.

Dated this _____ day of _____, 20____

Grantee's Authorized Representative

Title (Mayor, City Manager, Commissioner, etc.)

LIMITED SITE CERTIFICATE**C. PROJECT NO.** _____

I certify that the Applicant/Grantee, City of _____ (Municipality) has entered into condemnation proceedings for the real property and/or easements described on the attached sheet(s). All other real property including easements and rights-of-way that are required for the construction (erection, extension, modification, addition to) operation and maintenance of the entire wastewater treatment works project no. _____ have been acquired.

I certify that, if other municipalities are served by this wastewater treatment works project, no. _____, those municipalities have acquired all real property including easements and rights-of-way required for service to those municipalities except those described on the attached sheet(s) which are under condemnation procedures.

I certify that the Title Counsel's certification given on the attached certificate covers all real property including easements and rights-of-way required for construction, operation and maintenance of the entire wastewater treatment works project no. _____ except those that are under condemnation procedures.

I certify that all real property including easements required for the entire wastewater treatment works project, no. _____, that has already been acquired, was acquired in accordance with the requirements of the Surface Transportation and Uniform Relocation Assistance Act of 1987 as set forth in 49 CFR Part 24.

I certify that the Applicant/Grantee complied with 49 CFR Part 24 in its efforts to acquire by negotiation real property including easements described on the attached sheet(s) prior to entering into condemnation proceedings. I further certify that the fair market value of this real property including easements has been deposited with the Court.

Dated this _____ day of _____, 20____

Attorney at Law

Address

LIMITED SITE CERTIFICATE

PROJECT No. _____

I, _____, Attorney at
Law, representing the _____ as Title
Counsel, do hereby certify:

1. That I have investigated and ascertained the location of, and am familiar with the legal description of the site or sites being provided by the Applicant/Grantee for all elements of the Wastewater Treatment Works Project identified above to be constructed (modified, extended, improved, altered) operated and maintained in and upon such site or sites.
2. That I have examined the deed records of the county or counties in which such a project is to be located and in my opinion, the Applicant/Grantee has a legal and valid fee simple title or such other estate or interest in the site of the project, including necessary easements and rights-of-way sufficient to assure undisturbed use and possession for the purpose of construction, operation and maintenance for the estimated life of the project, except those described on the attached sheet(s) which are either under condemnation proceeding or cannot be acquired prior to award of federal assistance because of State or Federal Law.
3. That any deeds or documents required to be recorded in order to protect the title of the owner and the interest of the Applicant/Grantee have been duly recorded and filed for record wherever necessary, except those described on the attached sheet(s) which are either under condemnation proceedings or cannot be acquired prior to award of federal assistance because of State or Federal Law.
4. Remarks:

Dated this _____ day of _____, 20 ____

Attorney at Law

Address

**FEDERALLY ASSISTED DRINKING WATER STATE
REVOLVING FUND
REQUIREMENTS FOR A CLEAR SITE CERTIFICATE**

The certificate must certify to the following:

- (1) That all real property (including easements) acquired for the entire project funded by DWSRF regardless of whether or not DWSRF participates in the cost of purchasing the real property (including easements) was acquired in accordance with the Surface Transportation and Uniform Relocation Assistance Act of 1987 as set forth in 49 CFR Part 24.
- (2) That a qualified Title Counsel has examined the title and other appropriate records and that the loan recipient has legal and valid estate or interest in the property and shall have assured undisturbed use of all property (including easements) for the estimated life of the property.
- (3) That a fee simple or such other estate or interest in the project site(s) shall be retained for the estimated life of the project to assure undisturbed use of the site(s).

In the case of real property purchased with DWSRF assistance for use as an integral part of the treatment process or for ultimate disposal of residues resulting from such treatment, the following or similar statement must be attached to the certificate:

“Special Certificate for Real Property Purchased with DWSRF Assistance”

“In consideration of that assistance, the loan recipient certifies and agrees that the subject realty shall be held in accordance with the provisions as stated in 49 CFR Part 24.

The loan recipient further certifies that the title to the land has been encumbered under the requirements of State and local laws to adequately protect the interest of the United States.

The amount and type of each search required, in the case of easements or leases, for a site certificate is whatever is needed to satisfy the Title Attorney that the loan recipient has a right under State and local laws to access and undisturbed use of the site for the life of the project. The loan recipient's interest in real property (including easements) must be valid and defensible in a Court of Law. In respect to real property acquired in fee simple, the loan recipient must be assured a marketable title with no encumbrances except that which protects the Federal government's interest. A responsible and qualified Title Counsel will know the extent of search and the interest in the site required in order to provide these assurances and certifications.

Clear Certificate - Applicant

This certificate is to be completed by the loan recipient and submitted with the DWSRF Loan Application or at the time the plans and specifications are submitted.

If all or part of the real property required for the project is under condemnation proceedings, the certificate will be submitted as soon as condemnation is completed. (See Limited Certificate.)

If all or part of the real property required for the project must be acquired after the DWSRF Loan is awarded because of Federal or State requirements as in the case of real property to be used for land treatment, this certificate must be completed and submitted as soon as that property is acquired. (See Limited Certificate.)

SITE CERTIFICATE

**LOAN RECIPIENT FOR FEDERALLY ASSISTED DRINKING WATER
STATE REVOLVING LOAN FUND**

I certify that the loan recipient, the City of _____, has acquired all real property including easements and rights-of-way that are or will be required for construction, (erection, extension, modification, addition) operation and maintenance of the entire drinking water works project no. _____.

I certify that, if other municipalities are served by the drinking water works project _____, those municipalities have acquired real property including easements and rights-of-way required for service to those municipalities.

I certify that the Title Counsel's Certification given on the attached certificate covers all real property including easements and rights-of way required for construction, operation and maintenance of the entire drinking water works project _____.

I further certify that all real property including easements required for the entire drinking water works project, _____, acquired in accordance with the requirements of the Surface Transportation and Uniform Relocation Assistance Act of 1987 as set forth in 49 CFR Part 24.

Dated this _____ day of _____, 20____

Recipient's Authorized Representative

Loan

(Mayor, City Manager, Commissioner, etc.)

Title

Clear Certificate - Title Counsel

This certificate is to be completed after all real property including easements and rights-of-way have been acquired and Title Counsel has determined that the loan recipient will have legal right to undisturbed use of the total project site for the entire life of the project.

This certificate must be submitted with the DWSRF Loan Application or at the same time the plans and specifications are submitted.

If real property is acquired by condemnation, this certificate will be submitted when condemnation is complete (See Limited Certificate).

If real property can only be acquired after the award of a DWSRF Loan because of Federal requirements, this certificate will be submitted as soon as the property is acquired (See Limited Certificate).

**FEDERALLY ASSISTED DRINKING WATER STATE REVOLVING
FUND
SITE CERTIFICATE**

Project No. _____

I, _____, Attorney at Law,
representing the _____ as Title Counsel, do hereby certify:

1. That I have investigated and ascertained the location of, and am familiar with the legal description of the site or sites being provided by the Loan Recipient for all elements of the Drinking Water Works Project identified above to be constructed (modified, extended, improved, altered) operated and maintained in and upon such site or sites.
2. That I have examined the deed records of the county or counties in which such a project is to be located and in my opinion, the Loan Recipient has a legal and valid fee simple title or such other estate or interest in the site of the project, including necessary easements and rights-of-way sufficient to assure undisturbed use and possession for the purpose of construction, operation and maintenance for the estimated life of the project.
3. That any deeds or documents required to be recorded in order to protect the title of the owner and the interest of the Loan Recipient have been duly recorded and filed for record wherever necessary.
4. That, if applicable, the title to real property for which the Federally Assisted Drinking Water State Revolving Fund has funded the cost has been encumbered in accordance with the requirements of State and local law to adequately protect the interest of the United States.
5. Remarks:

Dated this _____ day of _____, 20__

Attorney at Law

Address

Limited (Qualified) Certificate - Loan Recipient

Federal/State Law prohibits site acquisition prior to loan application.

This certificate is to be completed and submitted with the DWSRF loan application, if all or part of the real property required for the project site must be acquired after the DWSRF loan agreement is executed because of State or Federal requirements. The documentation listed on the certificate must be submitted with the certificate.

**FEDERALLY ASSISTED DRINKING WATER STATE REVOLVING FUND
LOAN RECIPIENT'S**

LIMITED SITE CERTIFICATE

I certify that the Loan Recipient is prohibited by Federal/State Law or Regulation from acquiring _____ (real property - easements - rights-of-way) prior to receiving a loan for erection or drinking water works project _____. The following documents submitted in support of this certification are attached:

1. The appropriate designation (parcel number, reference code, etc.) for the property site.
2. The State or Federal requirements that prohibits the acquisition of property rights, or bonafide options, or initiation of formal condemnation proceedings, prior to loan agreement.
3. Future actions required to obtain in the property or property rights, and a schedule of these actions.

I certify that all sites not subject to the Federal/State prohibition have been acquired and that they were acquired in accordance with the Surface Transportation and Uniform Relocation Assistance Act of 1987 as set forth in 49 CFR Part 24.

I certify that the attached Title Counsel's certification covers all real property, easements and rights-of-way acquired for drinking water works project _____, except that described on the attachment.

Dated this _____ day of _____, 20____

Loan Recipient's Authorized Representative

Title (Mayor, City Manager, Commissioner, etc.)

Limited (Qualified) Certificate - Loan Recipient

Condemnation Proceedings - This certificate is to be completed when all or part of the real property needed for the project is being acquired by condemnation.

A description or appropriate designation of the real property (parcel number, reference code, etc.) and a schedule for completion of acquisition must be attached.

LIMITED SITE CERTIFICATE

**LOAN RECIPIENT FOR FEDERALLY ASSISTED DRINKING WATER STATE
REVOLVING FUND**

I certify that the Loan Recipient, City of _____
(Municipality) has entered into condemnation proceedings for the real property and/or easements
described on the attached sheet(s). All other real property including easements and rights-of-way
that are required for the construction (erection, extension, modification, addition to) operation
and maintenance of the entire drinking water works project no. _____ have been
acquired.

I certify that, if other municipalities are served by this drinking water works project,
_____, those municipalities have acquired all real property including easements and rights-
of-way required for service to those municipalities except those described on the attached
sheet(s) which are under condemnation procedures.

I certify that the Title Counsel's certification given on the attached certificate covers all real
property including easements and rights-of-way required for construction, operation and
maintenance of the entire drinking water works project no. _____ except those
that are under condemnation procedures.

I certify that all real property including easements required for the entire drinking water works
project, _____, that has already been acquired, was acquired in accordance with the
requirements of the Surface Transportation and Uniform Relocation Assistance Act of 1987 as
set forth in 49 CFR Part 24.

I certify that the loan recipient complied with 49 CFR Part 24 in its efforts to acquire by
negotiation real property including easements described on the attached sheet(s) prior to entering
into condemnation proceedings. I further certify that the fair market value of this real property
including easements has been deposited with the Court and that the Court has issued a "right of
entry" to these properties so that construction can begin and be completed without interruption.

Dated this _____ day of _____, 20__

Loan Recipient's Authorized Representative

Title (Mayor, City Manager, Commissioner, etc.)

Limited (Qualified) Certificate - Title Counsel

This certificate must be used only when part of the real property required for the project must be acquired by condemnation or after the DWSRF loan agreement is executed. The certificate will be attached to the loan recipient's applicable certificate and submitted with the loan application or at the same time as the plans and specifications are submitted.

FEDERALLY ASSISTED DRINKING WATER STATE REVOLVING FUND

LIMITED SITE CERTIFICATE

PROJECT No. _____

I, _____, Attorney at
Law, representing the _____ as Title
Counsel, do hereby certify:

1. That I have investigated and ascertained the location of, and am familiar with the legal description of the site or sites being provided by the Loan Recipient for all elements of the Drinking Water Works Project identified above to be constructed (modified, extended, improved, altered) operated and maintained in and upon such site or sites.
2. That I have examined the deed records of the county or counties in which such a project is to be located and in my opinion, the Loan Recipient has a legal and valid fee simple title or such other estate or interest in the site of the project, including necessary easements and rights-of-way sufficient to assure undisturbed use and possession for the purpose of construction, operation and maintenance for the estimated life of the project, except those described on the attached sheet(s) which are either under condemnation proceeding or cannot be acquired prior to award of federal assistance because of State or Federal Law.
3. That any deeds or documents required to be recorded in order to protect the title of the owner and the interest of the Loan Recipient have been duly recorded and filed for record wherever necessary, except those described on the attached sheet(s) which are either under condemnation proceedings or cannot be acquired prior to award of federal assistance because of State or Federal Law.
4. Remarks:

Dated this _____ day of _____, 20 ____

Attorney at Law

Address

SUPPLEMENTAL GENERAL CONDITIONS
FOR
CLEAN WATER STATE REVOLVING FUND
DRINKING WATER STATE REVOLVING FUND
EPA SPECIAL APPROPRIATION GRANTS
(Drinking Water and Wastewater)

Project Name: _____

Project Number: _____

The attached instructions and regulations as listed below shall be incorporated into the Specifications and comprise Special Conditions.

	<u>Attachment No.</u>
<i>SRF/EPA Special Provisions</i>	<i>1</i>
Requirements for Sub-agreements Awarded by Prime Contractors	2
40 CFR 31.36 (Procurement)-grants only	3A
KRS Chapter 45A-Kentucky Model Procurement Code-loans only	3B
Equal Employment Opportunity (EEO) Documents:	
Notice of Requirement for Affirmative Action	4
Contract Specifications (Executive Order 11246)	5
EEO Goals for Region 4 Economic Areas	6
Special Notice #1 - Check List of EEO Documentation	7
Employer Information Report EEO-1 (SF 100)	8
Labor Standards Provisions for Federally Assisted Construction, EPA Form 5720-4	9
Certifications	
Debarment, Suspension and Other Responsibility Matters	10
Anti-lobbying	11
<i>Region 4 Disadvantaged Business Enterprise (DBE)</i>	<i>12</i>
Negotiated Rates as of October 1, 2006	13
<i>Bonds and Insurance</i>	<i>14</i>
<i>Outlay Management Schedule</i>	<i>15</i>

Storm Water General Permit

16

Wage Rates

17

EPA SPECIAL PROVISIONS

- a) The construction of the project shall conform to the applicable requirements for state, territorial and local laws and ordinances to the extent that such requirements do not conflict with Federal laws.
- b) The EPA shall have access to the site and the project.
- c) Any contract(s) awarded under this invitation for Bids are expected to be funded in part by a grant from the U.S. Environmental Protection Agency. Neither the United States nor any of its departments, agencies or employees are or will be a part to this Invitation for Bids or any resulting contract.
- d) The Method of Award is to the lowest responsible responsive bidder.
- e) A statement that the bidder must make positive efforts to use small and minority owned business and women business enterprises.

SRF SPECIAL PROVISIONS

- (a) Line crossings of all roads and streets shall be done in accordance with the Kentucky Transportation Cabinet requirements as may be set forth in the Special Conditions.
- (b) Construction is to be carried out so as to prevent by-passing of flows during construction unless a schedule has been approved by the State or EPA, whichever is applicable.
- (c) Siltation and soil erosion must be minimized during construction. All construction projects with surface disturbance of more than 1 acre during the period of construction must have a KPDES Storm Water General Permit. To apply, the contractor must submit the "Notice of Intent" form at least 48 hours prior to start of construction. See Attachment 16 for the "Notice of Intent" form.
- (d) Restore disturbed areas to original or better condition.
- (e) Use of Chemicals: All chemicals used during project construction or furnished for project operation, whether herbicide, pesticide, disinfectant, polymer, reactant or of other classification, must show approval of either DOW or EPA. Use of all such chemicals and disposal of residues shall be in conformance with instructions on the manufacturer's label.
- (f) The construction of the project, including the letting of contracts in connection therewith, shall conform to the applicable requirements of state, territorial, and local laws and ordinances to the extent that such requirements do not conflict with Federal laws and this subchapter.
- (g) The owner shall provide and maintain competent and adequate supervision and inspection.
- (h) The Kentucky Infrastructure Authority and Kentucky Division of Water shall have access to the site and the project work at all times.
- (i) In the event Archaeological materials (arrowheads, stone tools, stone axes, prehistoric and historic pottery, bottles, foundations, Civil War artifacts, and other types of artifacts) are uncovered during the construction of this project, work is to immediately cease at the location and the Kentucky Heritage Council shall be contacted. The telephone number is (502) 564-

7005. Construction shall commence at this location until a written release is received from the Kentucky Heritage Council. Failure to report a find could result in legal action.

GRANT REQUIREMENTS FOR SUB-AGREEMENTS
AWARDED BY A PRIME CONTRACTOR

A contractor must comply with the following provisions in its award of sub-agreements. (This section does not apply to a supplier's procurement of materials to produce equipment, materials and catalog, off-the-shelf, or manufactured items.)

- (a) 40 CFR Part 32 (Debarment and Suspension Under EPA Assistance Programs);
- (b) The limitations and sub-agreement award in 40 CFR 31.35, and 31.36(i) (3,4,6,10,12) ;
- (c) The requirement for small, small rural, minority, women's and labor surplus area business in 40 CFR 31.36(e);
- (d) The specifications requirements of 40 CFR 31.36(c) (1);
- (e) The Federal cost principles in 40 CFR 31.22 and 31.36(f)(3);
- (f) The prohibited types of sub-agreements in 40 CFR 31.36(f)(4);
- (g) 40 CFR Part 34 (Anti-Lobbying under EPA Assistance Programs).

D. Attachment Number 3A

TITLE 40--PROTECTION OF ENVIRONMENT CHAPTER I--ENVIRONMENTAL PROTECTION AGENCY

PART 31--UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS

Subpart C--Post-Award Requirements

Sec. 31.36 Procurement.

(a) States. When procuring property and services under a grant, a State will follow the same policies and procedures it uses for procurements from its non-Federal funds. The State will ensure that every purchase order or other contract includes any clauses required by Federal statutes and executive orders and their implementing regulations. Other grantees and sub-grantees will follow paragraphs (b) through (i) in this section.

(b) Procurement standards. (1) Grantees and sub-grantees will use their own procurement procedures which reflect applicable State and local laws and regulations, provided that the procurements conform to applicable federal law, the standards identified in this section, and if applicable, Sec. 31.38.

(2) Grantees and sub-grantees will maintain a contract administration system which ensures that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.

(3) Grantees and sub-grantees will maintain a written code of standards of conduct governing the performance of their employees engaged in the award and administration of contracts. No employee, officer or agent of the grantee or sub-grantee shall participate in selection, or in the award or administration of a contract supported by Federal funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when:

(i) The employee, officer or agent,

(ii) Any member of his immediate family,

(iii) His or her partner, or

(iv) An organization which employs, or is about to employ, any of the above, has a financial or other interest in the firm selected for award. The grantee's or sub-grantee's officers, employees or agents will neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to sub-agreements. Grantee and sub-grantees may set minimum rules where the financial interest is not substantial or the gift is an unsolicited item of nominal intrinsic value. To the extent permitted by State or local law or regulations, such standards or conduct will provide for penalties, sanctions, or other disciplinary actions for violations of such standards by the grantee's and sub-grantee's officers, employees, or agents, or by contractors or their agents. The awarding agency may in regulation provide additional prohibitions relative to real, apparent, or potential conflicts of interest.

(4) Grantee and sub-grantee procedures will provide for a review of proposed procurements to avoid purchase of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach.

(5) To foster greater economy and efficiency, grantees and sub-grantees are encouraged to enter into State and local intergovernmental agreements for procurement or use of common goods and services.

(6) Grantees and sub-grantees are encouraged to use Federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs.

(7) Grantees and sub-grantees are encouraged to use value engineering clauses in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions.

Value engineering is a systematic and creative analysis of each contract item or task to ensure that its essential function is provided at the overall lower cost.

- (8) Grantees and sub-grantees will make awards only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.
- (9) Grantees and sub-grantees will maintain records sufficient to detail the significant history of a procurement. These records will include, but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.
- (10) Grantees and sub-grantees will use time and material type contracts only--
- (i) After a determination that no other contract is suitable, and
 - (ii) If the contract includes a ceiling price that the contractor exceeds at its own risk.
- (11) Grantees and sub-grantees alone will be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to source evaluation, protests, disputes, and claims. These standards do not relieve the grantee or sub-grantee of any contractual responsibilities under its contracts. Federal agencies will not substitute their judgment for that of the grantee or sub-grantee unless the matter is primarily a Federal concern. Violations of law will be referred to the local, State, or Federal authority having proper jurisdiction.
- (12) Grantees and sub-grantees will have protest procedures to handle and resolve disputes relating to their procurements and shall in all instances disclose information regarding the protest to the awarding agency. A protestor must exhaust all administrative remedies with the grantee and sub-grantee before pursuing a protest with the Federal agency. Reviews of protests by the Federal agency will be limited to:
- (i) Violations of Federal law or regulations and the standards of this section (violations of State or local law will be under the jurisdiction of State or local authorities) and
 - (ii) Violations of the grantee's or sub-grantee's protest procedures for failure to review a complaint or protest. Protests received by the Federal agency other than those specified above will be referred to the grantee or sub-grantee.
- (c) Competition. (1) All procurement transactions will be conducted in a manner providing full and open competition consistent with the standards of Sec. 31.36. Some of the situations considered to be restrictive of competition include but are not limited to:
- (i) Placing unreasonable requirements on firms in order for them to qualify to do business,
 - (ii) Requiring unnecessary experience and excessive bonding,
 - (iii) Noncompetitive pricing practices between firms or between affiliated companies,
 - (iv) Noncompetitive awards to consultants that are on retainer contracts,
 - (v) Organizational conflicts of interest,
 - (vi) Specifying only a "brand name" product instead of allowing "an equal" product to be offered and describing the performance of other relevant requirements of the procurement, and
 - (vii) Any arbitrary action in the procurement process.
- (2) Grantees and sub-grantees will conduct procurements in a manner that prohibits the use of statutorily or administratively imposed in-State or local geographical preferences in the evaluation of bids or proposals, except in those cases where applicable Federal statutes expressly mandate or encourage geographic preference. Nothing in this section preempts State licensing laws. When contracting for architectural and engineering (A/E) services, geographic location may be a selection criteria provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.
- (3) Grantees will have written selection procedures for procurement transactions. These procedures will ensure that all solicitations:
- (i) Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description shall not, in competitive procurements, contain features, which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured, and when necessary, shall set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a "brand name or equal" description may be used

as a means to define the performance or other salient requirements of a procurement. The specific features of the named brand which must be met by offerers shall be clearly stated; and

(ii) Identify all requirements which the offerers must fulfill and all other factors to be used in evaluating bids or proposals.

(4) Grantees and sub-grantees will ensure that all pre-qualified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. Also, grantees and sub-grantees will not preclude potential bidders from qualifying during the solicitation period.

(5) Construction grants awarded under Title II of the Clean Water Act are subject to the following "Buy American" requirements in paragraphs (c)(5) (i)-(iii) of this section. Section 215 of the Clean Water Act requires that contractors give preference to the use of domestic material in the construction of EPA-funded treatment works.

(i) Contractors must use domestic construction materials in preference to nondomestic material if it is priced no more than 6 percent higher than the bid or offered price of the nondomestic material, including all costs of delivery to the construction site and any applicable duty, whether or not assessed. The grantee will normally base the computations on prices and costs in effect on the date of opening bids or proposals.

(ii) The award official may waive the Buy American provision based on factors the award official considers relevant, including:

(A) Such use is not in the public interest;

(B) The cost is unreasonable;

(C) The Agency's available resources are not sufficient to implement the provision, subject to the Deputy Administrator's concurrence;

(D) The articles, materials or supplies of the class or kind to be used or the articles, materials or supplies from which they are manufactured are not mined, produced or manufactured in the United States in sufficient and reasonably available commercial quantities or satisfactory quality for the particular project; or

(E) Application of this provision is contrary to multilateral government procurement agreements, subject to the Deputy Administrator's concurrence.

(iii) All bidding documents, subagreements, and, if appropriate, requests for proposals must contain the following "Buy American" provision: In accordance with section 215 of the Clean Water Act (33 U.S.C. 1251 et seq.) and implementing EPA regulations, the contractor agrees that preference will be given to domestic construction materials by the contractor, subcontractors, materialmen and suppliers in the performance of this subagreement.

(d) Methods of procurement to be followed--(1) Procurement by small purchase procedures. Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, or other properties that do not cost more than the simplified acquisition threshold fixed at 41 U.S.C. 403(11) (currently set at \$100,000). If small purchase procedures are used, price or rate quotations shall be obtained from an adequate number of qualified sources.

(2) Procurement by sealed bids (formal advertising). Bids are publicly solicited and a firm-fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price. The sealed bid method is the preferred method for procuring construction, if the conditions in 31.36(d)(2)(i) apply.

(i) In order for sealed bidding to be feasible, the following conditions should be present:

(A) A complete, adequate, and realistic specification or purchase description is available;

(B) Two or more responsible bidders are willing and able to compete effectively and for the business; and

(C) The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.

(ii) If sealed bids are used, the following requirements apply:

(A) The invitation for bids will be publicly advertised and bids shall be solicited from an adequate number of known suppliers, providing them sufficient time prior to the date set for opening the bids;

(B) The invitation for bids, which will include any specifications and pertinent attachments, shall define the items or services in order for the bidder to properly respond;

- (C) All bids will be publicly opened at the time and place prescribed in the invitation for bids;
- (D) A firm fixed-price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs shall be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and
- (E) Any or all bids may be rejected if there is a sound documented reason.
- (3) Procurement by competitive proposals. The technique of competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed-price or cost-reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids. If this method is used, the following requirements apply:
 - (i) Requests for proposals will be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals shall be honored to the maximum extent practical;
 - (ii) Proposals will be solicited from an adequate number of qualified sources;
 - (iii) Grantees and sub-grantees will have a method for conducting technical evaluations of the proposals received and for selecting awardees;
 - (iv) Awards will be made to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered; and
 - (v) Grantees and sub-grantees may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.
- (4) Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one source, or after solicitation of a number of sources, competition is determined inadequate.
 - (i) Procurement by noncompetitive proposals may be used only when the award of a contract is infeasible under small purchase procedures, sealed bids or competitive proposals and one of the following circumstances applies:
 - (A) The item is available only from a single source;
 - (B) The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
 - (C) The awarding agency authorizes noncompetitive proposals; or
 - (D) After solicitation of a number of sources, competition is determined inadequate.
 - (ii) Cost analysis, i.e., verifying the proposed cost data, the projections of the data, and the evaluation of the specific elements of costs and profits, is required.
 - (iii) Grantees and sub-grantees may be required to submit the proposed procurement to the awarding agency for pre-award review in accordance with paragraph (g) of this section.
- (e) Contracting with small and minority firms, women's business enterprise and labor surplus area firms.
 - (1) The grantee and sub-grantee will take all necessary affirmative steps to assure that minority firms, women's business enterprises, and labor surplus area firms are used when possible.
 - (2) Affirmative steps shall include:
 - (i) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
 - (ii) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
 - (iii) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority business, and women's business enterprises;
 - (iv) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority business, and women's business enterprises;
 - (v) Using the services and assistance of the Small Business Administration, and the Minority Business Development Agency of the Department of Commerce; and
 - (vi) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (e)(2) (i) through (v) of this section.
 - (f) Contract cost and price.

(1) Grantees and sub-grantees must perform a cost or price analysis in connection with every procurement action including contract modifications. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation, but as a starting point, grantees must make independent estimates before receiving bids or proposals. A cost analysis must be performed when the offerer is required to submit the elements of his estimated cost, e.g., under professional, consulting, and architectural engineering services contracts. A cost analysis will be necessary when adequate price competition is lacking, and for sole source procurements, including contract modifications or change orders, unless price reasonableness can be established on the basis of a catalog or market price of a commercial product sold in substantial quantities to the general public or based on prices set by law or regulation. A price analysis will be used in all other instances to determine the reasonableness of the proposed contract price.

(2) Grantees and sub-grantees will negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed.

To establish a fair and reasonable profit, consideration will be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.

(3) Costs or prices based on estimated costs for contracts under grants will be allowable only to the extent that costs incurred or cost estimates included in negotiated prices are consistent with Federal cost principles (see Sec. 31.22). Grantees may reference their own cost principles that comply with the applicable Federal cost principles.

(4) The cost plus a percentage of cost and percentage of construction cost methods of contracting shall not be used.

(g) Awarding agency review.

(1) Grantees and sub-grantees must make available, upon request of the awarding agency, technical specifications on proposed procurements where the awarding agency believes such review is needed to ensure that the item and/or service specified is the one being proposed for purchase. This review generally will take place prior to the time the specification is incorporated into a solicitation document. However, if the grantee or sub-grantee desires to have the review accomplished after a solicitation has been developed, the awarding agency may still review the specifications, with such review usually limited to the technical aspects of the proposed purchase.

(2) Grantees and sub-grantees must on request make available for awarding agency pre-award review procurement documents, such as requests for proposals or invitations for bids, independent cost estimates, etc. when:

(i) A grantee's or sub-grantee's procurement procedures or operation fails to comply with the procurement standards in this section; or

(ii) The procurement is expected to exceed the simplified acquisition threshold and is to be awarded without competition or only one bid or offer is received in response to a solicitation; or

(iii) The procurement, which is expected to exceed the simplified acquisition threshold, specifies a "brand name" product; or

(iv) The proposed award is more than the simplified acquisition threshold and is to be awarded to other than the apparent low bidder under a sealed bid procurement; or

(v) A proposed contract modification changes the scope of a contract or increases the contract amount by more than the simplified acquisition threshold.

(3) A grantee or sub-grantee will be exempt from the pre-award review in paragraph (g)(2) of this section if the awarding agency determines that its procurement systems comply with the standards of this section.

(i) A grantee or sub-grantee may request that its procurement system be reviewed by the awarding agency to determine whether its system meets these standards in order for its system to be certified. Generally, these reviews shall occur where there is a continuous high-dollar funding, and third-party contracts are awarded on a regular basis.

(ii) A grantee or sub-grantee may self-certify its procurement system. Such self-certification shall not limit the awarding agency's right to survey the system. Under a self-certification procedure, awarding agencies may wish to rely on written assurances from the grantee or sub-grantee that it is complying with these standards. A grantee or sub-grantee will cite specific procedures, regulations, standards, etc., as being in compliance with these requirements and have its system available for review.

(h) Bonding requirements. For construction or facility improvement contracts or subcontracts exceeding the simplified acquisition threshold, the awarding agency may accept the bonding policy and requirements of the grantee or sub-grantee provided the awarding agency has made a determination that the awarding agency's interest is adequately protected. If such a determination has not been made, the minimum requirements shall be as follows:

(1) A minimum bid guarantee from each bidder equivalent to five percent of the bid price. The "bid guarantee" shall consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of his bid, execute such contractual documents as may be required within the time specified.

(2) A performance bond on the part of the contractor for 100 percent of the contract price. A "performance bond" is one executed in connection with a contract to secure fulfillment of all the contractor's obligations under such contract.

(3) A payment bond on the part of the contractor for 100 percent of the contract price. A "payment bond" is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.

(i) Contract provisions. A grantee's and sub-grantee's contracts must contain provisions in paragraph (i) of this section. Federal agencies are permitted to require changes, remedies, changed conditions, access and records retention, suspension of work, and other clauses approved by the Office of Federal Procurement Policy.

(1) Administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as may be appropriate.

(Contracts more than the simplified acquisition threshold)

(2) Termination for cause and for convenience by the grantee or sub-grantee including the manner by which it will be effected and the basis for settlement. (All contracts in excess of \$10,000)

(3) Compliance with Executive Order 11246 of September 24, 1965, entitled "Equal Employment Opportunity," as amended by Executive Order 11375 of October 13, 1967, and as supplemented in Department of Labor regulations (41 CFR chapter 60). (All construction contracts awarded in excess of \$10,000 by grantees and their contractors or sub-grantees)

(4) Compliance with the Copeland "Anti-Kickback" Act (18 U.S.C. 874) as supplemented in Department of Labor regulations (29 CFR part 3). (All contracts and sub-grants for construction or repair)

(5) Compliance with the Davis-Bacon Act (40 U.S.C. 276a to 276a-7) as supplemented by Department of Labor regulations (29 CFR part 5). (Construction contracts in excess of \$2000 awarded by grantees and sub-grantees when required by Federal grant program legislation)

(6) Compliance with Sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-330) as supplemented by Department of Labor regulations (29 CFR part 5).

(Construction contracts awarded by grantees and sub-grantees in excess of \$2000, and in excess of \$2500 for other contracts which involve the employment of mechanics or laborers)

(7) Notice of awarding agency requirements and regulations pertaining to reporting.

(8) Notice of awarding agency requirements and regulations pertaining to patent rights with respect to any discovery or invention which arises or is developed in the course of or under such contract.

(9) Awarding agency requirements and regulations pertaining to copyrights and rights in data.

(10) Access by the grantee, the sub-grantee, the Federal grantor agency, the Comptroller General of the United States, or any of their duly authorized representatives to any books, documents, papers, and records of the contractor which are directly pertinent to that specific contract for the purpose of making audit, examination, excerpts, and transcriptions.

(11) Retention of all required records for three years after grantees or sub-grantees make final payments and all other pending matters are closed.

(12) Compliance with all applicable standards, orders, or requirements issued under section 306 of the Clean Air Act (42 U.S.C. 1857(h)), section 508 of the Clean Water Act (33 U.S.C.

1368), Executive Order 11738, and Environmental Protection Agency regulations (40 CFR part 15).

(Contracts, subcontracts, and sub-grants of amounts in excess of \$100,000)

(13) Mandatory standards and policies relating to energy efficiency which are contained in the State energy conservation plan issued in compliance with the Energy Policy and Conservation Act (Pub. L. 94-163, 89 Stat. 871).

(j) Payment to consultants.

- (1) EPA will limit its participation in the salary rate (excluding overhead) paid to individual consultants retained by grantees or by a grantee's contractors or subcontractors to the maximum daily rate for a GS-18. (Grantees may, however, pay consultants more than this amount). This limitation applies to consultation services of designated individuals with specialized skills who are paid at a daily or hourly rate. This rate does not include transportation and subsistence costs for travel performed; grantees will pay these in accordance with their normal travel reimbursement practices. (Pub. L. 99-591).
- (2) Sub-agreements with firms for services which are awarded using the procurement

requirements in this part are not affected by this limitation.

(k) Use of the same architect or engineer during construction.

(1) If the grantee is satisfied with the qualifications and performance of the architect or engineer who provided any or all of the facilities planning or design services for a waste-water treatment works project and wishes to retain that firm or individual during construction of the project, it may do so without further public notice and evaluation of qualifications, provided:

(i) The grantee received a facilities planning (Step 1) or design grant (Step 2), and selected the architect or engineer in accordance with EPA's procurement regulations in effect when EPA awarded the grant; or

(ii) The award official approves noncompetitive procurement under Sec. 31.36(d)(4) for reasons other than simply using the same individual or firm that provided facilities planning or design services for the project; or

(iii) The grantee attests that:

(A) The initial request for proposals clearly stated the possibility that the firm or individual selected could be awarded a sub-agreement for services during construction; and

(B) The firm or individual was selected for facilities planning or design services in accordance with procedures specified in this section.

(C) No employee, officer or agent of the grantee, any member of their immediate families, or their partners have financial or other interest in the firm selected for award; and

(D) None of the grantee's officers, employees or agents solicited or accepted gratuities, favors or anything of monetary value from contractors or other parties to sub-agreements.

(2) However, if the grantee uses the procedures in paragraph (k)(1) of this section to retain an architect or engineer, any Step 3 sub-agreements between the architect or engineer and the grantee must meet all of the other procurement provisions in Sec. 31.36.

[53 FR 8068 and 8087, Mar. 11, 1988, and amended at 53 FR 8075, Mar. 11, 1988; 60 FR 19639, 19644, Apr. 19, 1995; 66 FR 3794, Jan. 16, 2001]

KRS Chapter 45A**Kentucky Model Procurement Code****45A.075 Methods of awarding state contracts.**

Except as otherwise authorized by law, all state contracts shall be awarded by:

- (1) Competitive sealed bidding, pursuant to KRS 45A.080; or
- (2) Competitive negotiation, pursuant to KRS 45A.085 and 45A.090 or 45A.180; or
- (3) Noncompetitive negotiation, pursuant to KRS 45A.095; or
- (4) Small purchase procedures, pursuant to KRS 45A.100.

Effective: June 24, 2003

History: Amended 2003 Ky. Acts ch. 98, sec. 4, effective June 24, 2003. -- Created 1978 Ky. Acts ch. 110, sec. 16, effective January 1, 1979.

45A.080 Competitive sealed bidding.

- (1) Contracts exceeding the amount provided by KRS 45A.100 shall be awarded by competitive sealed bidding unless it is determined in writing that this method is not practicable. Factors to be considered in determining whether competitive sealed bidding is not practicable shall include:
 - (a) Whether specifications can be prepared that permit award on the basis of best value; and
 - (b) The available sources, the time and place of performance, and other relevant circumstances as are appropriate for the use of competitive sealed bidding.
- (2) The invitation for bids shall state that awards shall be made on the basis of best value. In any contract which is awarded under an invitation to bid which requires delivery by a specified date and imposes a penalty for late delivery, if the delivery is late, the contractor shall be given the opportunity to present evidence that the cause of the delay was beyond his control. If it is the opinion of the purchasing officer that there is sufficient justification for delayed delivery, the purchasing officer may adjust or waive any penalty that is provided for in the contract.
- (3) Adequate public notice of the invitation for bids shall be given a sufficient time prior to the date set forth for the opening of bids. The notice may include posting on the Internet or publication in a newspaper or newspapers of general circulation in the state as determined by the secretary of the Finance and Administration Cabinet not less than seven (7) days before the date set for the opening of the bids. The provisions of this subsection shall also apply to price contracts and purchase contracts of state institutions of higher education.
- (4) Bids shall be opened publicly at the time and place designated in the invitation for bids. At the time the bids are opened, the purchasing agency shall announce the agency's engineer's estimate, if applicable, and make it a part of the agency records pertaining to the letting of any contract for which bids were received. Each bid, together with the name of the bidder and the agency's engineer's estimate, shall be recorded and be open to public inspection. Electronic bid opening and posting of the required information for public viewing shall satisfy the requirements of this subsection.
- (5) The contract shall be awarded by written notice to the responsive and responsible bidder whose bid offers the best value.
- (6) Correction or withdrawal of bids shall be allowed only to the extent permitted by regulations issued by the secretary.

Effective: July 14, 2000

History: Amended 2000 Ky. Acts ch. 509, sec. 1, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 120, sec. 10, effective July 15, 1998. -- Amended 1997 (1st Extra. Sess.) Ky. Acts ch. 4, sec. 27, effective May 30, 1997. -- Amended 1996 Ky. Acts ch. 60, sec. 2, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 278, sec. 1, effective July 15, 1994. -- Amended 1982 Ky. Acts ch. 282, sec. 1, effective July 15, 1982. -- Amended 1979 (1st Extra.

45A.085 Competitive negotiation.

(1) When, under administrative regulations promulgated by the secretary or under KRS 45A.180, the purchasing officer determines in writing that the use of competitive sealed bidding is not practicable, and except as provided in KRS 45A.095 and 45A.100, a contract may be awarded by competitive negotiation.

(2) Adequate public notice of the request for proposals shall be given in the same manner and circumstances as provided in KRS 45A.080(3).

(3) Contracts other than contracts for projects utilizing an alternative project delivery method under KRS 45A.180 may be competitively negotiated when it is determined in writing by the purchasing officer that the bids received by competitive sealed bidding either are unreasonable as to all or part of the requirements, or were not independently reached in open competition, and for which each competitive bidder has been notified of the intention to negotiate and is given reasonable opportunity to negotiate.

(4) Contracts for projects utilizing an alternative project delivery method shall be processed in accordance with KRS 45A.180.

(5) The request for proposals shall indicate the relative importance of price and other evaluation factors.

(6) Award shall be made to the responsible offerer whose proposal is determined in writing to be the most advantageous to the Commonwealth, taking into consideration price and the evaluation factors set forth in the request for proposals.

(7) Written or oral discussions shall be conducted with all responsible offerers who submit proposals determined in writing to be reasonably susceptible of being selected for award. Discussions shall not disclose any information derived from proposals submitted by competing offerers. Discussions need not be conducted:

(a) With respect to prices, where the prices are fixed by law or administrative regulation, except that consideration shall be given to competitive terms and conditions;

(b) Where time of delivery or performance will not permit discussions; or

(c) Where it can be clearly demonstrated and documented from the existence of adequate competition or prior experience with the particular supply, service, or construction item, that acceptance of an initial offer without discussion would result in fair and reasonable best value procurement, and the request for proposals notifies all offerers of the possibility that award may be made on the basis of the initial offers.

Effective: June 24, 2003

History: Amended 2003 Ky. Acts ch. 98, sec. 5, effective June 24, 2003. -- Amended 1997 (1st Extra. Sess.) Ky. Acts ch. 4, sec. 28, effective May 30, 1997. -- Amended 1979 (1st Extra. Sess.) Ky. Acts ch. 9, sec. 2, effective February 10, 1979. -- Created 1978 Ky. Acts ch. 110, sec. 18, effective January 1, 1979.

45A.090 Negotiation after competitive sealed bidding when all bids exceed available funds.

(1) In the event that all bids submitted pursuant to competitive sealed bidding under KRS 45A.080 result in bid prices in excess of the funds available for the purchase, and the chief purchasing officer determines in writing:

(a) That there are no additional funds available from any source so as to permit an award to the responsive and responsible bidder whose bid offers the best value; and

(b) The best interest of the state will not permit the delay attendant to a resolicitation under revised specifications, or for revised quantities, under competitive sealed bidding as provided in KRS 45A.080, then a negotiated award may be made as set forth in subsections (2) or (3) of this section.

(2) Where there is more than one (1) bidder, competitive negotiations pursuant to KRS 45A.085(3) shall be conducted with the three (3) (two (2) if there are only two (2))

bidders determined in writing to be the most responsive and responsible bidders, based on criteria contained in the bid invitation. Such competitive negotiations shall be conducted under the following restrictions:

(a) If discussions pertaining to the revision of the specifications or quantities are held with any potential offerer, all other potential offerers shall be afforded an opportunity to take part in such discussions; and

(b) A request for proposals, based upon revised specifications or quantities, shall be issued as promptly as possible, shall provide for an expeditious response to the revised requirements, and shall be awarded upon the basis of best value.

(3) Where, after competitive sealed bidding, it is determined in writing that there is only one (1) responsive and responsible bidder, a noncompetitive negotiated award may be made with such bidder in accordance with KRS 45A.095.

Effective: June 24, 2003

History: Amended 2003 Ky. Acts ch. 98, sec. 6, effective June 24, 2003. – Amended 1997 (1st Extra. Sess.) Ky. Acts ch. 4, sec. 29, effective May 30, 1997. – Created 1978 Ky. Acts ch. 110, sec. 19, effective January 1, 1979.

45A.095 Noncompetitive negotiation.

(1) A contract may be made by noncompetitive negotiation only for sole source purchases, or when competition is not feasible, as determined by the purchasing officer in writing prior to award, under administrative regulations promulgated by the secretary of the Finance and Administration Cabinet or the governing boards of universities operating under KRS Chapter 164A, or when emergency conditions exist. Sole source is a situation in which there is only one (1) known capable supplier of a commodity or service, occasioned by the unique nature of the requirement, the supplier, or market conditions. Insofar as it is practical, no less than three (3) suppliers shall be solicited to submit written or oral quotations whenever it is determined that competitive sealed bidding is not feasible. Award shall be made to the supplier offering the best value. The names of the suppliers submitting quotations and the date and amount of each quotation shall be placed in the procurement file and maintained as a public record. Competitive bids may not be required:

(a) For contractual services where no competition exists, such as telephone service, electrical energy, and other public utility services;

(b) Where rates are fixed by law or ordinance;

(c) For library books;

(d) For commercial items that are purchased for resale;

(e) For interests in real property;

(f) For visiting speakers, professors, expert witnesses, and performing artists;

(g) For personal service contracts executed pursuant to KRS 45A.690 to 45A.725; and

(h) For agricultural products in accordance with KRS 45A.645.

(2) The chief procurement officer, the head of a using agency, or a person authorized in writing as the designee of either officer may make or authorize others to make emergency procurements when an emergency condition exists.

(3) An emergency condition is a situation which creates a threat or impending threat to public health, welfare, or safety such as may arise by reason of fires, floods, tornadoes, other natural or man-caused disasters, epidemics, riots, enemy attack, sabotage, explosion, power failure, energy shortages, transportation emergencies, equipment failures, state or federal legislative mandates, or similar events. The existence of the emergency condition creates an immediate and serious need for services, construction, or items of tangible personal property that cannot be met through normal procurement methods and the lack of which would seriously threaten the functioning of government, the preservation or protection of property, or the health or safety of any person.

(4) The Finance and Administration Cabinet may negotiate directly for the purchase of contractual services, supplies, materials, or equipment in bona fide emergencies regardless of estimated costs. The existence of the emergency shall be fully explained, in writing, by the head of the agency for which the purchase is to be made. The explanation shall be approved by the secretary of the Finance and Administration Cabinet and shall include the name of the vendor receiving the contract along with any other price quotations and a written determination for selection of the vendor receiving the contract. This information shall be filed with the record of all such purchases and made available to the public. Where practical, standard specifications shall be followed in making emergency purchases. In any event, every effort should be made to effect a competitively established price for purchases made by the state.

Effective: July 15, 2002

History: Amended 2002 Ky. Acts ch. 344, sec. 9, effective July 15, 2002. -- Amended 1997 (1st Extra. Sess.) Ky. Acts ch. 4, sec. 30, effective May 30, 1997. -- Amended 1990 Ky. Acts ch. 496, sec. 4, effective July 13, 1990. -- Created 1978 Ky. Acts ch. 110, sec. 20, effective January 1, 1979.

45A.100 Small purchases.

(1) Procurements may be made in accordance with small purchase administrative regulations promulgated by the secretary of the Finance and Administration Cabinet, pursuant to KRS Chapter 13A, as follows:

(a) Up to ten thousand dollars (\$10,000) per project for construction and one thousand dollars (\$1,000) for purchases by any state governmental body, except for those state administrative bodies specified in paragraph (b) of this subsection; and

(b) Up to forty thousand dollars (\$40,000) per project for construction or purchases by the Finance and Administration Cabinet, state institutions of higher education, and the legislative branch of government.

(2) Procurement requirements shall not be artificially divided so as to constitute a small purchase under this section. At least every two (2) years, the secretary shall review the prevailing costs of labor and materials and may make recommendations to the next regular session of the General Assembly for the revision of the then current maximum small purchase amount as justified by intervening changes in the cost of labor and materials.

(3) The secretary of the Finance and Administration Cabinet may grant to any state agency with a justifiable need a delegation of small purchasing authority, which exceeds the agency's small purchase limit, provided in subsection (1) of this section.

Delegations of small purchasing authority shall be granted or revoked by the secretary of the Finance and Administration Cabinet, in accordance with administrative regulations promulgated by the cabinet pursuant to KRS Chapter 13A. These administrative regulations shall establish, at a minimum, the criteria for granting and revoking delegations of small purchasing authority, including the requesting agency's past compliance with purchasing regulations, the level of training of the agency's purchasing staff, and the extent to which the agency utilizes the Kentucky Automated Purchasing System. The administrative regulations may permit the secretary of the Finance and Administration Cabinet to delegate small purchase procurements up to the maximum amount specified in subsection (1)(b) of this section.

Effective: July 15, 2002

History: Amended 2002 Ky. Acts ch. 320, sec. 2, effective July 15, 2002. -- Amended 2000 Ky. Acts ch. 225, sec. 1, effective July 14, 2000. -- Amended 1996 Ky. Acts ch. 60, sec. 1, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 323, sec. 1, effective July 15, 1994. -- Amended 1990 Ky. Acts ch. 496, sec. 5, effective July 13, 1990. -- Amended 1986 Ky. Acts ch. 384, sec. 1, effective July 15, 1986. -- Amended 1984 Ky. Acts ch. 384, sec. 1, effective July 13, 1984. -- Amended 1982 Ky. Acts ch. 282, sec. 2, effective July 15, 1982. -- Amended 1980 Ky. Acts ch. 242, sec. 1, effective July 15, 1980; and ch. 250, sec. 19, effective April 9, 1980. -- Created 1978 Ky. Acts ch. 110, sec. 21, effective January 1, 1979.

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**NOTICE OF REQUIREMENT FOR AFFIRMATIVE ACTION TO ENSURE
EQUAL EMPLOYMENT OPPORTUNITY (EXECUTIVE ORDER 11246)**

The following excerpts are from 45 FR 65984 (October 3, 1980):

The minority and female goals apply to Federal and federally assisted construction contractors and subcontractors which have covered contracts. The goals are expressed as a percentage of the total hours worked by such a covered or subcontractor's entire onsite construction workforce, which is working on any construction site within a relevant area. The goal applies to each construction craft and trade in the contractor's entire workforce in the relevant area including those employees working on private non-federally involved projects.

Until further notice, the following goals for minority utilization in each construction craft and trade shall be included in all Federal or federally assisted construction contracts and subcontracts in excess of \$10,000 to be performed in the respective geographic area. The goals are applicable to each nonexempt contractor's total onsite construction workforce, regardless of whether or not part of that workforce is performing work on a Federal, federally assisted or non-federally related project, contract or subcontract.

Construction contractors which are participating in an approved Hometown Plan (see 41 CFR 60-4.5) are required to comply with the goals of the Hometown Plan with regard to construction work they perform in the area covered by the Hometown Plan. With regard to all their other covered construction work, such contractors are required to comply as follows:

Goals for female participation in each trade.....6.9%
Goals for minority participation in each trade.....Insert goals for each year
(see Attachment Number 6)

These goals are applicable to all the Contractor's construction work (whether or not it is Federal or Federally assisted) performed in the covered area.

The following excerpts are from 45 FR 65977 (October 3, 1980):

The Contractor's compliance with the Executive Order and the regulations in 41 CFR Part 60-4 shall be based on its implementation of the Equal Opportunity Clause, specific affirmative action obligations required by the specifications set forth in 41 CFR 60-4.3(a), and its efforts to meet the goals established for the geographical area where the contract resulting from this solicitation is to be performed. The hours of minority and female employment and training must be substantially uniform throughout the length of the contract, and in each trade, and the contractor shall make a good faith effort to employ minorities and women evenly on each of its projects. The transfer of minority or female employees or trainees from Contractor to Contractor or from project to project for the sole purpose of meeting the Contractor's goals shall be a violation of the contract, the Executive Order and the regulations in 41 CFR Part 60-4. Compliance with the goals will be measured against the total work hours performed.

3. The Contractor shall provide written notification to the Director of the Office of Federal Contract Compliance Programs within 10 working days of award of any construction subcontract in excess of \$10,000 at any tier for construction work under the contract resulting from this solicitation. The notification shall list the name, address and telephone number of the subcontractor; employer identification number; estimated dollar amount of the subcontract; estimated starting and completion dates of the subcontract; and the geographical area in which the contract is to be performed.

4. As used in this Notice, and in the contract resulting from this solicitation, the covered area is (insert description of the geographical areas where the contract is to be performed giving the state, country, and city, if any).

K. Attachment Number 5

**STANDARD FEDERAL EQUAL EMPLOYMENT OPPORTUNITY CONSTRUCTION
CONTRACT SPECIFICATIONS (EXECUTIVE ORDER 11246)**

EEO Specifications

Following is the standard language, which must be incorporated into all solicitations for offers and bids on all Federal and Federally assisted construction contracts or subcontracts in excess of \$10,000 to be performed in designated geographical areas:

1. As used in these specifications:

- (a) Covered Area means the geographical area described in the solicitation from which this contract resulted.
- (b) Director means Director, Office of Federal Contract Compliance Program, United States Department of Labor, or any person to whom the Director delegates authority;
- (c) Employer identification number means the Federal Social Security number used on the Employer's Quarterly Federal Tax Return, U.S. Treasury Department Form 941.
- (d) Minority includes:
 - (i) Black (all persons having origins in any of the Black African racial groups not of Hispanic origin);
 - (ii) Hispanic (all persons of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish Culture or origin, regardless of race);
 - (iii) Asian and Pacific Islander (all persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands); and
 - (iv) American Indian or Alaskan Native (all persons having origins in any of the original peoples of North America and maintaining identifiable tribal affiliations through membership and participation or community identification).

2. Whenever the Contractor or any Subcontractor at any tier, subcontracts a portion of the work involving any construction trade, it shall physically include in each subcontract in excess of \$10,000 the provisions of these specifications and the Notice which contains the applicable goals for minority and female participation and which is set forth in the solicitations from which this contract resulted.

3. If the Contractor is participating (pursuant to 41 CFR 60-4.5) in a Hometown Plan approved by the U.S. Department of Labor in the covered area either individually or through an association, its affirmative action obligations on all work in the Plan area (including goals and timetables) shall be in accordance with that Plan for those trades which have unions participating in the Plan. Contractors must be able to demonstrate their participation in and compliance with the provisions of any such Hometown Plan. Each Contractor or Subcontractor participating in an approved Plan is individually required to comply with its obligations under the EEO clause, and to make a good faith effort to achieve each goal under the Plan in each trade in which it has employees. The overall good faith performance by other Contractors or Subcontractors toward a goal in an approved Plan does not excuse any covered Contractor's or Subcontractor's failure to take a good faith efforts to achieve the Plan goals and timetables.

4. The Contractor shall implement the specific affirmative action standards provided in paragraphs 7-a through p of these specifications. The goals set forth in the solicitation from which this contract resulted are expressed as percentages of the total hours of employment and training of minority and female utilization the Contractor should reasonably be able to achieve in each construction trade in which it has employees in the covered area. The Contractor is expected to make substantially uniform progress toward its goals in each craft during the period specified.

5. Neither the provisions of any collective bargaining agreement, nor the failure by a union with whom the Contractor has a collective bargaining agreement, to refer either minorities or women shall excuse the Contractor's obligations under these specifications, Executive Order 11246, or the regulations promulgated pursuant thereto.

6. In order for the non-working training hours of apprentices and trainees to be counted in meeting the goals, such apprentices and trainees must be employed by the contractor during the training period, and the Contractor must have made a commitment to employ the apprentices and trainees at the completion of their training, subject to the availability of employment opportunities. Trainees must be trained pursuant to training programs approved by the U.S. Department of Labor.

7. The Contractor shall take specific affirmative action to ensure equal employment opportunity. The evaluation of the Contractor's compliance with these specifications shall be based upon its effort to achieve maximum results from its actions. The Contractor shall document these efforts fully, and shall implement affirmative actions steps at least as extensively as the following:

a. Ensure and maintain a working environment free of harassment, intimidation, and coercion at all sites, and in all facilities at which the contractor's employees are assigned to work. The Contractor, where possible, will assign two or more women to each construction project. The Contractor shall specifically ensure that all foremen, superintendents, and other on-site supervisory personnel are aware of and carry out the Contractor's obligation to maintain such a working environment, with specific attention to minority or female individuals working at such sites or in such facilities.

b. Establish and maintain a current list of minority and female recruitment sources, provide written notification to minority and female recruitment sources and to community organizations when the contractor or its unions have employment opportunities available, and maintain a record of the organizations responses.

c. Maintain a current file of the names, addresses and telephone numbers of each minority and female off-the-street applicant and minority or female referral from a union, a recruitment source or community organization and of what action was taken with respect to each such individual. If such individual was sent to the union hiring hall for referral and was not referred back to the Contractor by the union or, if referred, not employed by the contractor, this shall be documented in the file with the reason therefore, along with whatever additional actions the contractor may have taken.

d. Provide immediate written notification to the Director when the union or unions with which the Contractor has a collective bargaining agreement has not referred to the Contractor a minority person or

woman sent by the Contractor, or when the Contractor has other information that the union referral process has impeded the Contractor's efforts to meet its obligation.

e. Develop on-the-job training opportunities and/or participate in training programs for the area which expressly include minorities and women, including upgrading programs and apprenticeship and trainee programs relevant to the Contractor's employment needs, especially those programs funded or approved by the Department of Labor. The Contractor shall provide notice of these programs to the sources complied under 7-b above.

f. Disseminate the Contractor's EEO policy by providing notice of the policy to unions and training programs and requesting their cooperation in assisting the Contractor in meeting its EEO obligations; by including it in any policy manual and collective bargaining agreement; by publicizing it in the company newspaper, annual report, etc.; by specific review of the policy with all management personnel and with all minority and female employees at least once a year; and by posting the company EEO policy on bulletin boards accessible to all employees at each location where construction work is performed.

g. Review, at least annually, the company's EEO policy and affirmative action obligations under these specifications with all employees having any responsibility for hiring, assignment, lay-off, termination or other employment decisions including specific review of these items with on-site supervisory personnel such as Superintendents, General Foreman, etc., prior to the initiation of construction work at any job site. A written record shall be made and maintained identifying the time and place of these meetings, persons attending, subject matter discussed, and disposition of the subject matter.

h. Disseminate the Contractor's EEO policy externally by including it in any advertising in the news media, specifically including minority and female news media, and providing written notification to and discussing the Contractor's EEO policy with other Contractors and Subcontractors with whom the Contractor does or anticipates doing business.

i. Direct its recruitment efforts, both oral and written, to minority, female and community organizations, to schools with minority and female students and to minority and female recruitment and training organizations serving the Contractor's recruitment area and employment needs. Not later than one month prior to the date for the acceptance of applications for apprenticeship or other training by any recruitment source, the contractor shall send written notification to organizations such as the above, describing the openings, screening procedures, and tests to be used in the selection process.

j. Encourage present minority and female employees to recruit other minority persons and women and, where reasonable, provide after school, summer and vacation employment to minority and female youth both on the site and in other areas of a Contractor's workforce.

k. Validate all tests and other selection requirements where there is an obligation to do so under 41 CFR Part 60-3.

l. Conduct, at least annually, an inventory and evaluation of all minority and female personnel for promotional opportunities and encourage these employees to seek or to prepare for, through appropriate training, etc., such opportunities.

m. Ensure that seniority practices, job classifications, work assignments and other personnel practices, do not have a discriminatory effect by continually monitoring all personnel and employment related activities to ensure that EEO policy and the Contractor's obligations under these specifications are being carried out.

n. Ensure that all facilities and company activities are nonsegregated except that separate or single-user toilet and necessary changing facilities shall be provided to assure privacy between the sexes.

- o. Document and maintain a record of all solicitations of offers for subcontracts from minority and female construction contractors and suppliers, including circulation of solicitations to minority and female contractor associations and other business associations.
 - p. Conduct a review, at least annually, of all supervisor's adherence to and performance under the Contractor's EEO policies and affirmative action obligations.
8. Contractors are encouraged to participate in voluntary associations, which assist in fulfilling one or more of their affirmative actions obligations (7 a through p). The efforts of a contractor association, joint contractor-union, contractor-community, of other similar group of which the contractor is a member and participant may be asserted as fulfilling any one or more of its obligations under 7 a through p of these specifications provided that the contractor actively participates in the group, makes every effort to assure that the group has a positive impact on the employment of minorities and women in the industry, ensures that the concrete benefits of the program are reflected in the Contractor's minority and female workforce participation, makes a good faith effort to meet its individual goals and timetables, and can provide access to documentation which demonstrates the effectiveness of actions taken on behalf of the Contractor. The obligation to comply, however, is the Contractor's and failure of such a group to fulfill an obligation shall not be defense for the Contractor's noncompliance.
9. A single goal for minorities and a separate single goal for women have been established. The contractor, however, is required to provide equal employment opportunity and to take affirmative action for all minority groups, both male and female, and all women, both minority and non-minority. Consequently, the Contractor may be in violation of the Executive Order if a particular group is employed in a substantially disparate manner (for example: even though the Contractor has achieved its goal for women generally, the Contractor may be in violation of the Executive Order if a specific minority group of women is underutilized).
10. The Contractor shall not use the goals and timetables for affirmative action standards to discriminate against any person because of race, color, religion, sex or national origin.
11. The Contractor shall not enter into any Subcontract with any person or firm debarred from Government contracts pursuant to Executive Order 11246.
12. The Contractor shall carry out such sanctions and penalties for violation of these specifications and of the Equal Opportunity Clause, including suspension, termination and cancellation of existing subcontracts as may be imposed or ordered pursuant to Executive Order 11246, as amended, and its implementing regulations, by the Office of Federal Contract Compliance Programs. Any Contractor who fails to carry out such sanctions and penalties shall be in violation of these specifications and executive Order 11246, as amended.
13. The Contractor, in fulfilling its obligations under these specifications, shall implement specific affirmative action steps, at least as extensive as those standards prescribed in paragraph 7 of these specifications, so as to achieve maximum results from its efforts to ensure equal employment opportunity. If the Contractor fails to comply with the requirements of the Executive Order, the implementing regulations, or these specifications, the Director shall proceed in accordance with 41 CFR 60-4.8.

14. The Contractor shall designate a responsible official to monitor all employment related activity to ensure that the company EEO policy is being carried out, to submit reports relating to the provisions hereof as may be required by the Government and to keep records. Records shall at least include for each employee the name, address, telephone numbers, construction trade, union affiliation, if any, employee identification number when assigned, social security number, race, sex, status (e.g., mechanic, apprentice, trainee, helper or laborer), dates of changes in status, hours worked per week in the indicated trade, rate of pay, and locations at which the work was performed. Records shall be maintained in an easily understandable and retrievable form; however, to the degree that existing records satisfy this requirement, contractors shall not be required to maintain separate records.

15. Nothing herein provided shall be construed as a limitation upon the application of other laws which establish different standards of compliance or upon the application of requirements for the hiring of local or other area residents (e.g., those under the Public Works Employment Act of 1977 and the Community Development Block Grant Program).

L. Attachment Number 6

EEO Goals for Economic Areas in Region 4

Source: Appendix B-80 in 45 FR 65984 (October 3, 1980)

Kentucky:

056 Paducah, KY:

Non-SMSA Counties

5.2

IL Hardin; IL Massac; IL Pope; KY Ballard; KY Caldwell; KY Calloway. KY Carlisle;
KY Crittenden; KY Fulton; KY Graves; KY Hickman; KY Livingston; KY Lyon. KY
McCracken; KY Marshall.

057 Louisville, KY:

SMSA Counties:

4520 Louisville, KY-IN

11.2

IN Clark; IN Floyd; KY Bullitt; KY Jefferson; KY Oldham.

Non-SMSA Counties

9.6

IN Crawford; IN Harrison; IN Jefferson; IN Orange; IN Scott; IN Washington;
KY Breckinridge; KY Grayson; KY Hardin; KY Hart; KY Henry; KY Larue; KY Marion;
KY Meade; KY Nelson; KY Shelby; KY Spencer; KY Trimble; KY Washington.

058 Lexington, KY

SMSA Counties

4280 Lexington-Fayette, KY

10.8

KY Bourbon; KY Clark; KY Fayette; KY Jessamine; KY Scott; KY Woodford.

Non-SMSA Counties

7.0

KY Adair KY Anderson; KY Bath; KY Boyle; KY Breathitt; KY Casey; KY Clay;
KY Estill; KY Franklin- KY Garrard; KY Green; KY Harrison- KY Jackson; KY Knott;
KY Lee; KY Leslie; KY Letcher; KY Lincoln; KY Madison; KY Magoffin; KY Menifee;
KY Mercer; KY Montgomery; KY Morgan. KY Nicholas; KY Owsley; KY Perry;
KY Powell; KY Pulaski; KY Rockcastle; KY Russell; KY Taylor; KY Wolfe.

**CHECK LIST OF EEO DOCUMENTATION FOR BIDDERS
ON GRANT/LOAN CONSTRUCTION
(Required by Executive Order 11246 as amended)**

The low, responsive responsible bidder must forward the following items, in duplicate, to the owner no later than ten (10) days after bid opening. The owner shall have one (1) copy available for inspection by the Office of Federal Contracts Compliance within 14 days after the bid opening. The web site for the OFCC is http://www.dol.gov/esa/ofcp_org.htm.

1. Project Number. Project Location. Type of Construction.
2. Proof of registration with the Joint Reporting Commission. (See Attachment Number 8.)
3. Copy of Affirmative Action Plan of contractor. Indicate company official responsible for EEO.
4. List of current construction contracts, with dollar amount. List contracting Federal Agency, if applicable.
5. Statistics concerning company percent workforce, permanent and temporary, by sex, race, trade, handicapped, and age. 40 CFR Part 7.
6. List of employment sources for project in question. If union sources are utilized, indicate percentage of minority membership within the union crafts.
7. Anticipated employment needs for this project, by sex, race and trade, with estimate of minority participation in specific trades.
8. List of subcontractors (name, address and telephone) with dollar amount and duration of subcontract. Subcontractor contracts over \$10,000 must submit items 1- 8. The following information must be provided for all supplier contracts regardless of contract size: name of company, contact person, address, telephone number, dollar value of the contract, and a list of the materials to be supplied to the prime contractor.
9. List of any subcontract work yet to be committed with estimate of dollar amount and duration of contract.
10. Contract Price. Duration of prime contract.
11. DBE Documents - See special instructions regarding use of Minority, and Women Owned, and Small Businesses.

Employer Information Report EEO-1

Under the direction of the US Equal Employment Opportunity Commission, the Joint Reporting Committee is responsible for the full-length, multi-phase processing of employment statistics collected on the Employer Information Report EEO-1. This report, also termed Standard Form 100, details the sex and race/ ethnic composition of an employer's work force by job category.

The Employer Information EEO-1 survey is conducted annually under the authority of Public Law 88-352, Title VII of the Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972. All employers with 15 or more employees are covered by Public Law 88-352 and are required to keep employment records as specified by Commission regulations. Based on the number of employees and federal contract activities, certain large employers are required to file an EEO-1 Report on an annual basis.

The EEO-1 Report must be filed by:

(A) All private employers who are: (1) subject to Title VII of the Civil Rights Act of 1964 (as amended by the Equal Employment Opportunity Act of 1972) with 100 or more employees EXCLUDING State and local governments, primary and secondary school systems, institutions of higher education, Indian tribes and tax-exempt private memberships clubs other than labor organizations; OR (2) subject to Title VII who have fewer than 100 employees if the company is owned or affiliated with another company, or there is centralized ownership, control or management (such as central control of personnel policies and labor relations) so that the group legally constitutes a single enterprise and the entire enterprise employs a total of 100 or more employees.

(B) All federal contractors (private employers), who: (1) are not exempt as provided for by 41 CFR 60-1.5, (2) have 50 or more employees, and (a) are prime contractors or first-tier subcontractors, and have a contract, subcontract, or purchase order amounting to \$50,000 or more; or (b) serve as depository of Government funds in any amount, or (c) is a financial institution which is an issuing and paying agent for U.S. Savings Bonds and Notes.

Only those establishments located in the District of Columbia and the 50 states are required to submit the EEO-1 Report. No Reports should be filed for establishments in Puerto Rico, the Virgin Islands or other American Protectorates.

When filing for the EEO-1 Report for the first time, go to the web site at: <http://www.mimdms.com/jrc.html> and select "Filing for the first time" from the box labeled INFORMATION. File out the electronic questionnaire to enter your company into Joint Reporting Committee (JRC) system. Once you have completed the registration process, you will be contacted on how to proceed with the EEO-1 Report. If you have previously registered with the JRC, follow their instructions to update your information.

Labor Standards Provisions For Federally Assisted Construction

Labor standards provisions applicable to contracts covering federally financed and assisted construction (29 CFR 5.5, Contract Provisions and Related Matters) that apply to EPA Special Appropriations Projects grants are:

(a)(4)(iii) Equal employment opportunity. The utilization of apprentices, trainees and journeymen under this part shall be in conformity with the equal employment opportunity requirements of Executive Order 11246, as amended, and 29 CFR Part 30.

(a)(5) Compliance with Copeland Act requirements. The contractor shall comply with the requirements of 29 CFR Part 3, which are incorporated by reference in this contract.

(a)(6) Subcontracts. The contractor or subcontractor shall insert in any subcontracts the clauses contained in 29 CFR 5.5 (a) (1) through (10) and such other clauses as the U.S. Environmental Protection Agency may by appropriate instructions require, and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for the compliance by any subcontractor or lower tier subcontractor with all the contract clauses in 29 CFR 5.5.

(a)(7) Contract termination: debarment. A breach of the contract clauses in 29 CFR 5.5 may be grounds for termination of the contract, and debarment as a contractor and a subcontractor as provided in 29 CFR 5.12.

(b) Contractor Work Hours and Safety Standards Act. The Administrator, EPA shall cause or require the contracting officer to insert the following clauses set forth in paragraph (b)(1),(2),(3), and (4) of this section in full in any contract subject to the overtime provisions of the Contract Work Hours and Safety Standards Act. These clauses shall be inserted in addition to the clauses required by *Section 5.5(a) of this title. As used in this paragraph, the terms laborers and mechanics include watchmen and guards.

(1) Overtime requirements. No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any such laborer or mechanic in any work week in which he or she is employed on such work to in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of forty hours in such workweek.

(2) Violation; liability for unpaid wages; liquidated damages. In the event of any violation of the clause set forth in paragraph (b) (1) of this section the contractor and any subcontractor responsible therefore shall be liable for the unpaid wages. In addition, such contractor and subcontractor shall be liable to the United States (in the case of work done under contract for the District of Columbia or a territory, to such District or to such territory), for unliquidated damages. Such liquidated damages shall be computed with

respect to each individual laborer or mechanic, including watchmen and guards, employed in violation of the clause set forth in paragraph (b)(1) of this section, in the sum of \$10 for each calendar day on which such individual was required or permitted to work in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in paragraph (b)(1) of this section.

(3) Withholding for unpaid wages and liquidated damages. The U.S. Environmental Protection Agency shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld, from any moneys payable on account of work performed by the contractor or subcontractor under any such contract or any other Federal contract with the same prime contractor, or any other Federally- assisted contract subject to the Contract Work Hours and Safety Standards Act, which is held by the same prime contractor, such liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in the clause set forth in paragraph (b) (2) of this section.

(4) Subcontracts. The contractor or subcontractor shall insert in any subcontracts the clauses set forth in paragraph (b)(1) through (4) of this section and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in paragraphs (b)(1) through (4) of this section.

(c) In addition to the clauses contained in paragraph (b), in any contract subject only to the Contract Work Hours and Safety Standards Act and not to any of the other statutes cited in section 5.1, the Administrator of EPA shall cause or require the contracting officer to insert a clause requiring that the contractor or subcontractor shall maintain payrolls and basic payroll records during the course of the work and shall preserve them for a period of three years from the completion of the contract for all laborers and mechanics, including guards and watchmen, working on the contract. Such records shall contain the name and address of each such employee, social security number, correct classifications, hourly worked, deductions made, and actual wages paid. Further, the Administrator of EPA shall cause or require the contracting officer to insert in any such contract a clause providing that the records to be maintained under this paragraph shall be made available by the contractor or subcontractor for inspection, copying, or transcription by authorized representatives of the U.S. Environmental Protection Agency and the Department of Labor, and the contractor or subcontractor will permit such representatives to interview employees during working hours on the job. (Approved by the Office of Management and Budget under OMB control numbers 1215-0140 and 1215-0017.)

CERTIFICATIONS

Debarred Firms

All prime Construction Contractors shall certify that Subcontractors have not and will not be awarded to any firm that is currently on the EPA Master List of Debarred, Suspended and Voluntarily Excluded Persons in accordance with the provisions of 40 CFR 32.500(c). Debarment action is taken against a firm for noncompliance with Federal Law.

All bidders shall complete the attached certification (Attachment Number 10) and submit to the owner with the bid proposal.

Anti-lobbying Certification

All prime Construction Contractors must certify (Attachment Number 11) that no appropriated funds were or will be expended for the purpose of lobbying the Executive or Legislative Branches of the Federal Government or Federal Agency concerning this contract (contract in excess of \$100,000). If the Contractor has made or agreed to make payment to influence any member of Congress in regard to award of this contract, a Disclosure Form must be completed and submitted to the owner with the bid proposal.

All prime Contractors must require all Subcontractors to submit the certification, which must also be submitted to the owner.

**CERTIFICATION REGARDING DEBARMENT,
SUSPENSION AND OTHER RESPONSIBILITY MATTERS**

The prospective participant certifies to the best of its knowledge and belief that it and its principals:

(A) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State, or Local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

I understand that a false statement on this certification may be grounds for rejection of this proposal or termination of the award. In addition, under 18 USC Sec. 1001, a false statement may result in a fine of up to \$10,000 or imprisonment for up to 5 years, or both.

Typed Name & Title of Authorized Representative

Signature of Authorized Representative

Date

_____ I am unable to certify to the above statements. My explanation is attached.

CERTIFICATION REGARDING LOBBYING
Certification for Contracts, Grants,
Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

TYPED NAME & TITLE OF AUTHORIZED REPRESENTATIVE

SIGNATURE OF AUTHORIZED REPRESENTATIVE DATE

_____ I am unable to certify to the above statements. My explanation is attached.

M. Attachment Number 12

EPA DISADVANTAGED BUSINESS ENTERPRISE PROGRAM

EPA's Disadvantaged Business Enterprise Program rule applies to contract procurement actions funded in part by EPA assistance agreements awarded after May 27, 2008. The rule is found at Federal regulation Title 40, Part 33. Specific responsibilities are highlighted below.

Grant recipient responsibilities:

- Conduct an Availability Analysis and negotiate fair share objectives with EPA (§ 33.411), or adopt the fair share objectives of the oversight state agency revolving loan fund for comparable infrastructure. (§ 33.405(b)(3)).
- Include the Appendix A term and condition in each contract with a primary contractor (§ 3.106). The term and condition is included in the EPA Region 4 contract specifications insert *FEDERAL REQUIREMENTS AND CONTRACT PROVISIONS FOR SPECIAL APPROPRIATION ACT PROJECTS US ENVIRONMENTAL PROTECTION AGENCY, Region III, June 2008*.
- Employ the six Good Faith Efforts during prime contractor procurement (§ 33.301).
- Require prime contractor to comply with the following prime contractor requirements of Title 40 Part 33:
 - To employ the six Good Faith Efforts steps in paragraphs (a) through (e) of § 33.301 if the prime contractor awards subcontracts (§ 33.301(f)).
 - To provide EPA form 6100-2 – *DBE Subcontractor Participation Form* to all DBE subcontractors (§ 33.302(e)).
 - To submit EPA forms 6100-3 – *DBE Program Subcontractor Performance Form* and 6100-4 – *DBE Program Subcontractor Utilization Form* with bid package or proposal. (§ 33.302 (f) and (g)).
 - To pay its subcontractor for satisfactory performance no more than 30 days from the prime contractor's receipt of payment from the recipient (§ 33.302(a)).
 - To notify recipient in writing by its prime contractor prior to any termination of a DBE subcontractor for convenience by the prime contractor (§ 33.302(b)).

- To employ the six good faith efforts described in § 33.301 if soliciting a replacement subcontractor after a DBE subcontractor fails to complete work under the subcontract for any reason. (§ 33.302(c)).
- To employ the six good faith efforts described in § 33.301 even if the prime contractor has achieved its fair share objectives under subpart D of Part 33. (§33.302(d)).
- Semiannually complete and submit to Charles Hayes, EPA Region 4 DBE Coordinator EPA form 5700-52A summarizing DBE participation achieved during the previous six months (§ 33.502).
- Maintain records documenting its compliance with the requirements of Title 40 Part 33, including documentation of its, and its prime contractors', good faith efforts (§ 33.501(a)).

Prime Contractor Responsibilities:

- Employ the six Good Faith Efforts steps in paragraphs (a) through (e) of § 33.301 if the prime contractor awards subcontracts (§ 33.301(f)).
- Provide EPA form number 6100-2 – *DBE Program Subcontractor Participation Form* and form number 6100-3 – *DBE Program Subcontractor Performance Form* to each DBE subcontractor prior to opening of the contractor's bid or proposal (§ 33.302(e) and (f)).
- Complete EPA form number 6100-4 – *DBE Program Subcontractor Utilization Form* (§ 33.302(g)).
- Submit to recipient with its bid package or proposal the completed EPA form number 6100-4, plus an EPA form number 6100-3 for each DBE subcontractor used in the contractor's bid or proposal (§ 33.302(f) and (g)).
- Pay subcontractors for satisfactory performance no more than 30 days from the prime contractor's receipt of payment from the recipient (§ 33.302(a)).
- Notify the recipient in writing prior to prime contractor termination of a DBE subcontractor for convenience (§ 33.302(b)).
- Employ the six good faith efforts described in § 33.301 if soliciting a replacement subcontractor after a DBE subcontractor fails to complete work under the subcontract for any reason. (§ 33.302(c)).
- Employ the six good faith efforts described in § 33.301 even if the prime contractor has achieved its fair share objectives under subpart D of Part 33. (§33.302(d)).
- Semiannually inform recipient of DBE participation achieved (§ 33.502).

- Maintain records documenting its compliance with the requirements of Title 40 Part 33, including documentation of its, and its prime contractors', good faith efforts (§ 33.501(a)).

Subcontractor Responsibilities:

- May submit EPA form 6100-2 – *DBE Subcontractor Participation Form* to Charles Hayes, EPA Region 4 DBE Coordinator (§ 33.302(e)).
- Must complete EPA form 6100-3 – *DBE Program Subcontractor Performance Form*, and submit it to the prime contractor soliciting services from the subcontractor prior to the opening of bids for the prime contract.

SPAP Requirements:

Form	Requirement	Provided By:	Completed By:	Submitted To:
EPA Form 6100-2	Grant Recipients required to have prime contractors provide form to Subcontractors	Prime Contractors	DBE Subcontractors	EPA Region 4 DBE Coordinator Charles Hayes
EPA Form 6100-3	Grant Recipients required to have prime contractors provide form to Subcontractors	Prime Contractors	DBE Subcontractors	Grant Recipients as part of a bid or proposal package
EPA Form 6100-4	Grant Recipients required to have prime contractors complete the form	Grant Recipients	Prime Contractors	Grant Recipients as part of a bid or proposal package

SRF Requirements:

Form	Requirement	Provided By:	Completed By:	Submitted To:
EPA Form 6100-2	Recipients required to have prime contractors provide form to Subcontractors	Prime Contractors	DBE Subcontractors	DOW Project Administrator
EPA Form 6100-3	Recipients required to have prime contractors provide form to Subcontractors	Prime Contractors	DBE Subcontractors	Dow Project Administrator w/ ATA Package
EPA Form 6100-4	Recipients required to have prime contractors complete the form	Recipients	Prime Contractors	DOW Project Administrator w/ ATA Package
Pay Request DBE Form	Recipients required to have prime contractors complete the form	Recipients	Prime Contractors	DOW Project Administrator w/ EACH PAYMENT

N. DISADVANTAGED ENTERPRISE PARTICIPATION POLICY

PROJECT NAME: _____ **BID DATE:** _____

1. Name, address and telephone number of contact person on all DBE matters:

Prime Contractor's Name: _____

Contact Person: _____

Address: _____

Phone: _____

Cell Phone: _____

Email: _____

Total Contract Amount: _____

5. Total dollar amount/percent of contract of MBE participation:

6. Total dollar amount/percent of contract of WBE participation:

7. Certifications* for each subcontractor enclosed: ☐ Yes ☐ No

8. Subcontracts or letters of intent signed by both parties enclosed: ☐ Yes ☐ No

9. **List of MBE Subcontractors:**

Name: _____

Contact Person: _____

Address: _____

Phone: _____

Cell Phone: _____

Email: _____

Type of Contract: _____

Work to be Done: _____

Amount: _____

10. **List of WBE Subcontractors:**

Name: _____

Contact Person: _____

Address: _____

Phone: _____

Cell Phone: _____

Email: _____

Type of Contract: _____

Work to be Done: _____

Amount: _____

Attach Additional Sheets, If Necessary

*Self-certification: Self certification of MBE/WBE/DBE firms will NOT be accepted as a valid form of certification of MBE/WBE/DBE status.

Information concerning the efforts for obtaining subcontractor(s)

11. Information to be submitted by the bidder concerning good faith efforts taken

- a. Advertisements, etc.: List each publication in which an announcement or notification was placed and attach the tear sheet of each announcement from each publication

Name of publication: _____

Address: _____

Dates of advertisement: _____

Specific subcontract areas announced: _____

- b. List each DBE construction firm or supplier to which a letter of solicitation was sent or with whom negotiations were held.

Company name and phone number: _____

Area of Work Expertise: _____

Date of any follow-up call and person spoke to: _____

- c. Copies of returned envelopes.
- d. Copies of faxes sent.
- e. Copies of certified mail return receipts.
- f. Copies of letters or e-mails from solicited firms declining offer.
- g. Copy of bidders list (see sheet below):

BIDDER'S LIST FORM

OWNER _____

LOAN NO: _____

PROJECT TITLE _____

BID DATE: _____

Instructions:

1. This list must include all firms that bid or quote on prime or subcontracts under EPA assisted projects (i.e. SRF Projects), included both MBE/WBE's and non MBE/WBE's
2. SRF loan participants must keep the Bidder's List until the project period for the identified loan has ended and no funds are remaining.
3. This list must be submitted to DOW in the ATA Package. Contract Award Approval cannot be given until this form has been received by SRF.
4. The following information must be obtained from all prime and sub-contractor's. Please complete the form below:

[illegible]

REGION 4
DISADVANTAGED BUSINESS ENTERPRISE (DBE) NEGOTIATED RATES
(Subject to change - refer to grant award for specific fair share objectives)

KENTUCKY

SRF Construction: (both programs)	0.70% MBE and 7.60% WBE
Equipment:	1.20% MBE and 1.10% WBE
Services:	1.20% MBE and 16.30% WBE
Supplies:*	3.70% MBE and 4.60% WBE

BONDS AND INSURANCE

The minimum requirements shall be as follows:

Bonding requirements for contracts of \$100,000 or less are contained in 40 CFR 31.36(h).

Bond requirements for contracts in excess of \$100,000 are:

- < Bid guarantee equivalent to five percent of the bid price. The bid guarantee shall consist of a firm commitment such as a certified check or bid bond submitted with the bid;
- < Performance bond equal to 100 percent of the contract price, and
- < Payment bond equal to 100 percent of the contract price. Bonds must be obtained from companies holding Certificates of Authority as acceptable sureties, issued by the U.S. Treasury.

Insurance requirements are contained in the General Conditions of the contract. In addition to the other required insurance, the owner or the contractor, as appropriate, must acquire any flood insurance made available by the Federal Emergency Management Agency as required by 44 CFR Parts 59-79, if construction will take place in a flood hazard area identified by the Federal Emergency Management Agency. The owners requirements on Flood Insurance are contained in the Special Conditions Section of the Contracts Documents.

OUTLAY MANAGEMENT

The contractor must provide a contract progress schedule of percentage of work in place and costs against time; and a schedule of projected payments (cumulative) for construction and for the architectural/engineering contract when the contract is awarded. The payment schedule must be submitted, in a format similar to the attached sample, to the owner for forwarding to the State when the contract is awarded, and whenever actual payments on a project vary beyond -5 percent and +10 percent from the schedule, as determined by the grantee.

Contractor will be required to review each of these contract schedules during the month of June and to submit revised schedules, as necessary, no later than July 1st of each year.

THIS FORMAT IS A SAMPLE ONLY.

CONSTRUCTION AND OUTLAY SCHEDULE

Project No.: _____

Applicant: _____

Contract Identification: _____

Description of Contract: _____

(INSTRUCTIONS FOR USE ON REVERSE SIDE)

SCHEDULE I - CONSTRUCTION SCHEDULE

Date for Advertisement: _____

Date for Opening Bids: _____

Pre-Construction Conference Date: _____

Date of Contract Award: _____

Contract Period: _____ days Projected Contract Completion Date: _____

Total Eligible Contract Amount: _____

Work Order Date: _____

Start Construction Date: _____

Contract Completed: _____

SCHEDULE II - CUMULATIVE OUTLAY SCHEDULE (55% EPA Share) - Projection
only for quarters that remain in the fiscal year (FY) plus cumulative
annual amount for the next FY.

Cum EPA Amount thru 1st Qtr. Oct./Dec.: \$ _____

Cum EPA Amount thru 2nd Qtr. Jan./Mar.: \$ _____

Cum EPA Amount thru 3rd Qtr. Apr./June: \$ _____

Cum EPA Amount thru 4th Qtr. July/Sept.: \$ _____

Cum EPA Amount for Next Fiscal Year: \$ _____

INSTRUCTIONS (Construction and Outlay Schedules)

To insure timely achievement of the grant objectives the owner (grantee) must provide EPA with a grants activities schedule, contract construction schedules and corresponding payment outlay schedules for the grant and each contract under the grant. One copy of information similar to that showing the Construction and Outlay Schedule Form will be submitted for the grant schedule with the grant acceptance. A separate form will accompany each contract at time of contract award.

- A. The grant activities schedule shall depict the period from grant award through grant closeout and cover all major milestone date. The grant activities schedule shall include Schedule I information items as well as other appropriate items necessary to monitor the grant. Schedule II shall be filled out to estimate the cumulative (all construction and architectural/engineering contracts) payment schedule to be requested by the grantee from EPA during the grant period, and whenever actual outlays vary beyond -5% and +10% from the schedule.
- B. Individual contractor's construction schedules for each contract will be submitted to support the grant activities schedule. The Schedule I shall be submitted prior to date of advertisement of each contract and Schedule II along with the contractor's construction schedule shall be submitted seven (7) calendar days prior to the dates of the pre-construction conference. The contractor's construction schedule shall depict the contractor's plan for completing all contract requirements and show work placement in dollars versus contract time. Schedule II shall depict the contract payment outlay by month or quarter. The contract schedule will be coordinated with all parties at the pre-construction conference.

The grants activities schedule, contractor construction schedules, will be the basis for monitoring progress towards completion of the project. The schedules shall be maintained at the available for inspection and updated at least monthly. The schedules shall be revised to incorporate approved change orders as they occur.

All of the schedules will be submitted to the State Division of Water.

NOTICE OF INTENT

All construction projects with surface disturbance of more than 1 acre during the period of construction must have a KPDES Storm Water General Permit. The permit can be found at the following web address: <https://dep.gateway.ky.gov/eForms/default.aspx?FormID=7>.

If you have any questions regarding the completion of this form call the Surface Water Permits Branch, at (502) 564-3410.

KPDES FORM NOI-SW

Kentucky Pollutant Discharge Elimination System (KPDES)

Instructions

Notice of Intent (NOI) for Storm Water Discharges Associated with Industrial Activity To Be Covered Under The KPDES General Permit

WHO MUST FILE A NOTICE OF INTENT (NOI) FORM

Federal law at 40 CFR Part 122 prohibits point source discharges of stormwater associated with industrial activity to a water body of the Commonwealth of Kentucky without a Kentucky Pollutant Discharge Elimination System (KPDES) permit. The operator of an industrial activity that has such a storm water discharge must submit a NOI to obtain coverage under the KPDES Storm Water General Permit. If you have questions about whether you need a permit under the KPDES Storm Water program, or if you need information as to whether a particular program is administered by the state agency, call the Storm Water Contact, Industrial Section, Kentucky Division of Water at (502) 564-3410.

If you have any questions regarding the completion of this form call the Storm Water Contact, Industrial Section, at (502) 564-3410.

SECTION I - FACILITY OPERATOR INFORMATION

Give the legal name of the person, firm, public organization, or any other entity that operates the facility or site described in this application. The name of the operator may or may not be the same as the name of the facility. The responsible party is the legal entity that controls the facility's operation, rather than the plant or site manager. Do not use a colloquial name. Enter the complete address and telephone number of the operator.

Enter the appropriate letter to indicate the legal status of the operator of the facility.

F = Federal M = Public (other than federal or state)
S = State P = Private

SECTION II - FACILITY/SITE LOCATION INFORMATION

Enter the facility's or site's official or legal name and complete street address, including city, state, and ZIP code.

SECTION III - SITE ACTIVITY INFORMATION

If the storm water discharges to a municipal separate storm sewer system (MS4), enter the name of the operator of the MS4 (e.g., municipality name, county name) and the receiving water of the discharge from the MS4. (A MS4 is defined as a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that is owned or operated by a state, city, town, borough, county, parish, district, association, or other public body which is designed or used for collecting or conveying storm water.)

If the facility discharges storm water directly to receiving water(s), enter the name of the receiving water.

Indicate whether or not the owner or operator of the facility has existing quantitative data that represent the characteristics and concentration of pollutants in storm water discharges.

If data is available submit with this form.

List, in descending order of significance, up to four 4-digit standard industrial classification (SIC) codes that best describe the principal products or services provided at the facility or site identified in Section II of this application.

If the facility listed in Section II has participated in Part 1 of an approved storm water group application and a group number has been assigned, enter the group application number in the space provided.

If there are other KPDES permits presently issued for the facility or site listed in Section II, list the permit numbers.

SECTION IV - ADDITIONAL INFORMATION REQUIRED FOR CONSTRUCTION ACTIVITIES ONLY

Construction activities must complete Section IV in addition of Sections I through III. Only construction activities need to complete Section IV.

Enter the project start date and the estimated completion date for the entire development plan.

Provide an estimate of the total number of acres of the site on which soil will be disturbed (round to the nearest acre).

Indicate whether the storm water pollution prevention plan for the site is in compliance with approved state and/or local sediment and erosion plans, permits, or storm water management plans.

SECTION V - CERTIFICATION

Federal statutes provide for severe penalties for submitting false information on this application form. Federal regulations require this application to be signed as follows:

For a corporation: by a responsible corporate officer, which means: (i) president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions, or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

For a partnership or sole proprietorship: by a general partner or the proprietor; or

For a municipality, state, Federal, or other public facility: by either a principal executive officer or ranking elected official.

WAGE RATES

Federal Davis-Bacon rates are applicable for these funds. This determination applies only to the grant/loan portion of this project. Please contact the other funding sources, if applicable, for their requirements pertaining to federal wage rates. You must contact the Kentucky Labor Cabinet for determination of applicable state wages.

Items required in the Authority to Award (ATA) package:

1. Certified Bid Tabs (need to have the engineer's seal and number on it and signed by him/her as well. If you don't have a seal then you can sign and put number on them.)
2. The advertisement and affidavit of publication, published in the daily paper with the largest circulation in your area.
3. The Project Review and Cost Summary Form, and as-bid budget signed by the authorizing representative (form attached)
4. Bidders list from the District (This will include all the bidders but it has additional info. The form is attached.)
5. The Davis-Bacon Certification and the HUD-4720

Disadvantaged Business Enterprise (DBE) required documentation:

1. The "Disadvantaged Enterprise Participation Policy" form
2. The "Information Concerning the Efforts to Obtain Subcontractors" form along with PROOF of their solicitation (faxes/letters/emails sent, advertisement in the paper 7-21 days before bid open, list of phone calls made, etc)
3. The Bidders List from the Contractor (this includes any subcontractors that bid on the project.) (if no subs bid on the project, they can fill out the top part and write on it "n/a even after solicitation")
4. Forms 6100-3 and 6100-4 (6100-2 is optional). If there is no sub involved, then 6100-3 can have "n/a" on it.
5. If there are DBE subcontractors involved, we need a copy of their certification (can only be from KDOT, SBA, or EPA; no self-certifications allowed), the executed subcontract or a letter of intent.

Kentucky State Revolving Fund Loan Program



Kentucky Infrastructure Authority
1024 Capital Center Drive – Suite 340
Frankfort, KY 40601
www.kia.ky.gov

Kentucky Division of Water
200 Fair Oaks Lane – 4th Floor
Frankfort, KY 40601
www.water.ky.gov

A SUMMARY OF THE NEW EPA DBE RULE AND ITS IMPACT ON SRF LOAN PARTICIPANTS

The Environmental Protection Agency's (EPA) new Disadvantaged Business Enterprise (DBE) rule became effective on May 27, 2008. This rule sets forth an EPA program that serves the compelling government interest of remedying past and current racial discrimination through agency-wide procurement objectives. It revises and replaces EPA's Minority and Women Business Enterprise (MBE/WBE) Program. Because the State Revolving Fund (SRF) Loan Program funding is provided by EPA, the new DBE rule requirements apply to all SRF funded projects. It is designed to increase the participation of DBE's in procurements funded by EPA assistance agreements. The key substantive changes that the new EPA DBE rule makes to the MBE/WBE program involve the following: certification of minority & women owned businesses, the six good faith efforts, contract administration requirements, negotiation of fair share goals, recordkeeping & reporting requirements and new requirements for Tribal and insular area fair share negotiations.

*** Certification of MBE/WBE:** In order to be counted as a MBE/WBE under the new EPA DBE rule MBE/WBEs must be certified by a federal agency (e.g., EPA, Small Business Administration, Department of Transportation) or by a State, locality, Indian Tribe, or independent private organization that meets the certification requirements of the new EPA DBE rule. In addition, individuals claiming economic disadvantaged status must have an initial and continued personal net worth of less than \$750,000.

Q: Where can MBE/WBEs get certified in the State of Kentucky?

A: MBE/WBEs can get certified with the Kentucky Transportation Cabinet (KTC). KTC's certification process meets the requirements of the new EPA DBE rule. The website is <http://transportation.ky.gov/OBOD/>. Please identify on the application that you are seeking certification under the new EPA DBE rule. If you have any questions regarding the KTC website or certification process contact the KTC Certification Coordinator Melvin Byner at 1-800-928-3079.

Q: If my firm is currently on the Kentucky Transportation Cabinet's list of certified DBEs do I need to get recertified?

A: No, you do not need to get re-certified. KTC's certification process meets the requirements of the new EPA DBE rule.

Q: Are there entities that KTC cannot certify? If so, where can those entities go for certification under the new EPA DBE rule?

A: There are entities that KTC cannot certify. Those entities are: a) Disabled American-owned firms, b) non – profit organizations (private and voluntary organizations controlled by individuals who are socially and economically disadvantaged), and c) those entities who exceed the size standards that are specific to DOT certification process under 49 CFR Part 26. These entities should seek certification through EPA's DBE certification program. The entity may apply to EPA's Office of Small Business Programs (EPA OSBP) for certification as an MBE/WBE. The website is <http://www.epa.gov/osbp/grants.htm>. For questions regarding certification by EPA, please contact Kimberly Patrick, EPA Office of Small Business Programs, at 202-566-2605 or email Patrick.kimberly@epa.gov. Direct general questions regarding the new EPA DBE rule to Charles Hayes, Region 4 MBE/WBE Coordinator, phone number is (404) 562-8377 and email hayes.charles@epa.gov.



Q: Can I self-certify as an MBE/WBE through my attorney?

A: No. Therefore, if you want to bid on SRF projects then you will need to get certified through KTC or the EPA in order to be counted as a MBE/WBE under the new EPA DBE rule. Noncertified MBE/WBEs may be used by loan recipients for their procurement needs but those firms cannot be counted toward their MBE/WBE accomplishments. Under the new EPA DBE rule entities can no longer self-certify.

Q: How do I obtain certification as an MBE/WBE?

A: Under the new DBE program, in order to be counted as an MBE or WBE under an EPA financial assistance agreement, an entity will have to be certified as such. The EPA will require an MBE/WBE to first seek certification by a federal agency (such as the U.S. Small Business Administration, the U.S. Department of Transportation) or by a State, local, or independent private organization provided their criteria match those of the Small Business Act and SBA's applicable Business Development Program regulations. The EPA will only consider certifying firms that cannot get certified by one of these entities. An EPA DBE certification would only be accepted by the EPA.

Q: Where can I find a list of MBE/WBEs who have been certified and meet the requirements under the new EPA DBE rule?

A: The KTC DBE directory can be accessed at: <http://transportation.ky.gov/OBOD/> which is located under the heading Disadvantaged Business Enterprise Directories. Those entities that were certified through EPA are posted on the EPA Office of Small Business Program's (OSBP) website. The website is: <http://www.epa.gov/osbp/grants.htm>.

Q: Can individuals having a personal net worth of \$750,000 or more get certified as a DBE under the new EPA rule?

A: No. An individual claiming economic disadvantaged status must have an initial and continued personal net worth of less than \$750,000.

Q: How can I find out more information about certification and the new EPA DBE rule in general?

A: You are encouraged to read the fact sheets located at <http://www.epa.gov/osbp/grants.htm>.

*** Contract Administration:** The new EPA DBE rule adds additional contract administration requirements that are intended to protect DBE subcontractors. Some of the requirements include provisions intended to ensure that subcontractors receive prompt payment from prime contractors (30 day payment provision). Loan recipients must be notified of DBE subcontractor terminations and prime contractors are required to make good faith efforts if the prime contractor chooses to hire another subcontractor. The rule requires that 3 new forms be filled out by the prime contractor and subcontractor if there are DBE subcontractors involved in a procurement.

The loan recipient must ensure that each contract awarded contains the term and condition set forth below:

"Term and Condition: The contractor shall not discriminate on the basis of race, color, national origin or sex in the performance of this contract. The contractor shall carry out applicable requirements of 40 CFR Part 33 in the award and administration of contracts awarded under EPA financial assistance agreements. Failure by the contractor to carry out these requirements is a material breach of this contract which may result in the termination of this contract or other legally available remedies."

Another new requirement is that loan recipients are now required to create and maintain a bidders list. The list must include all firms that bid or quote on prime contracts or subcontracts, including MBE/WBEs and non MBE/WBEs. The bidders list must be kept until the project period for the identified loan has ended. The project period is defined as the timeframe that the loan recipient receives SRF funding. The following information must be obtained from all prime and subcontractors: 1) entity's name with point of contact; 2) entity's mailing address, telephone number, and e-mail address; 3) the procurement on which the entity bid or quoted, and when; and 4) entity's status as an MBE/WBE or non-MBE/WBE.

Q: What is the purpose of the bidders list? And, as a loan recipient must I maintain it? Do I need to also provide a copy to SRF?

A: The purpose of the bidders list is to provide the loan recipient and SRF with a more accurate database of the universe of MBE/WBE and non MBE/WBE prime and subcontractors. The bidders list is intended to be a list of all firms that are participating, or attempting to participate, on EPA assisted contracts. The list must include all firms that bid on prime contracts, or bid or quote on subcontracts under EPA assisted projects, including both MBE/WBEs and non MBE/WBEs. As a loan recipient you must maintain the list. You will also provide SRF a copy of the bidders list when you submit your post-bid documentation to the Kentucky Division of Water's SRF & SPAP Section.

To view the Federal Register showing the DBE rule from the EPA, see Vol. 73, No. 59, pages 15904 - 15922 at <http://www.epa.gov/osdbu/pdfs/dbe/final%20dbe%20rule.pdf>

*** Reporting Requirements:** Loan participants, who close loans after the signing of the 2009 EPA Capitalization Grant, will be required to submit their MBE/WBE participation reports on a semiannual basis to the Kentucky Division of Water's SRF & SPAP Section. All loan participants who closed loans prior to the signing of the 2009 EPA Capitalization Grant will continue to report on a quarterly basis. Only certified MBE/WBE will be counted towards MBE/WBE participation.

Q: What are the Six Good Faith Efforts?

A: The good faith efforts are activities by an SRF loan recipient and its prime contractor to increase DBE awareness of procurement opportunities through race/gender neutral efforts. EPA combined the "Six Positive Efforts" (found at 40 CFR Part 31) with the "Six Affirmative Steps" (found at 40 CFR Part 30) and renamed them the six "good faith efforts" (found at 40 CFR Part 33). The substance of the efforts has not changed.

The Six Good Faith Efforts as defined by the EPA are as follows:

- Ensure DBEs are made aware of contracting opportunities to the fullest extent practicable through outreach and recruitment activities. For Indian Tribal, State and Local and Government recipients, this will include placing DBEs on solicitation lists and soliciting them whenever they are potential sources.
- Make information on forthcoming opportunities available to DBEs and arrange time frames for contracts and establish delivery schedules, where the requirements permit, in a way that encourages and facilitates participation by DBEs in the competitive process. This includes, whenever possible, posting solicitations for bids or proposals for a minimum of 30 calendar days before the bid or proposal closing date.
- Consider in the contracting process whether firms competing for large contracts could subcontract with DBEs. For Indian Tribal, State and local Government recipients, this will include dividing total requirements when economically feasible into smaller tasks or quantities to permit maximum participation by DBEs in the competitive process.
- Encourage contracting with a consortium of DBEs when a contract is too large for one of these firms to handle individually.
- Use the services and assistance of the SBA and the Minority Business Development Agency of the Department of Commerce.
- If the prime contractor awards subcontracts, require the prime contractor to take the steps in paragraphs (a) through (e) of this section.

Q: What are the three new forms and where can I go to get a copy of the new forms?

A: The forms can be obtained at <http://www.epa.gov/osbp.grants.htm> under "Forms".

The three new forms are:

* EPA Form 6100-2 - DBE Program Subcontractor Participation Form. This form gives a DBE subcontractor the opportunity to describe the work the DBE subcontractor received from the prime contractor, how much the DBE subcontractor was paid and any other concerns the DBE subcontractor might have.

* EPA Form 6100-3 - DBE Program Subcontractor Performance Form. This form captures an intended subcontractor's description of work to be performed for the prime contractor and the price of the work submitted to the prime.

* EPA Form 6100-4 - DBE Program Subcontractor Utilization Form. This form captures the prime's intended use of an identified DBE subcontractor, and the estimated dollar amount of the subcontract.

Form	Requirement	Provided By:	Completed By:	Submitted To:
EPA Form 6100-2	Recipients required to have prime contractors provide form to Subcontractors	Prime Contractors	DBE Subcontractors	EPA DBE Coordinator
EPA Form 6100-3	Recipients required to have prime contractors provide form to Subcontractors	Prime Contractors	DBE Subcontractors	Recipients as part of a bid or proposal package
EPA Form 6100-4	Recipients required to have prime contractors complete the form	Recipients	Prime Contractors	Recipients as part of a bid or proposal package

Davis Bacon Certification Overview

Applies to any Clean Water SRF or Drinking Water SRF Recipient who has executed an Assistance Agreement with KIA between October 30, 2009 and September 30, 2010

Please note: If prime contract or subcontracts were executed prior to October 30, 2009, the Davis Bacon provisions and reporting outlined below only applies to construction activity that occurred on or after October 30, 2009 through the completion of the project.

Contract Award Documentation

The following forms must be submitted to the Division of Water with the Authority to Award documentation.

- 1) Davis Bacon Contract Award Information (Davis Bacon compliance)
This form is to be completed by the borrower for each prime contract of the project.
[Davis Bacon_ATA Certification.doc](#)
- 2) The Project Wage Rate Sheet (HUD 4720) should be completed and submitted with the Contract Award document. The form can be found at:
<http://www.hud.gov/offices/adm/hudclips/forms/files/4720.doc>

Ongoing certification and reporting requirements:

All the forms below are due to KIA no later than October 5th, January 5th, April 5th and July 5th for the most recent quarter end.

- 1) Davis Bacon – Quarterly Borrower Certification
This form should be completed and submitted quarterly to KIA. Copies of any contractor and sub-contractor certifications received within the quarter should be included.
[Davis Bacon_Q Borrower Certification.doc](#)
- 2) Davis Bacon – Quarterly Contractor Certification
This form should be completed by the contractor and submitted to the KIA loan recipient.
[Davis Bacon_Q Contractor Certification.doc](#)
- 3) Davis Bacon – Quarterly Sub-Contractor Certification
This form should be completed by the sub-contractor and submitted to the contractor with a copy to the KIA Loan Recipient.
[Davis Bacon_Q Sub-Contractor Certification.doc](#)
- 4) As you will note on the applicable certifications, certified payroll reports for all contractors and subcontractors are to be submitted to the KIA Loan Recipient for review on a weekly basis. KIA recommends using the WH-347 form for the payroll submission; however, other forms may be used so long as the certified payroll is in a format acceptable to the KIA Loan recipient and is accompanied by a Statement of Compliance.

The WH-347 form can be found at <http://www.dol.gov/whd/forms/wh347.pdf>. Instructions for completing the form can be found at <http://www.dol.gov/whd/forms/wh347instr.htm>.

- 5) Labor Interviews are to be conducted on each contractor or subcontract through the construction project. A minimum of two (2) sets of interviews for each contract or subcontract are required. The interviews should be conducted within the first and last two (2) weeks of the submission of each contract and subcontract payroll records. Not all employees have to be interviewed; however, a sampling of contract employees for each contract should be interviewed. The Labor Interview form can be found at:
[http://contacts.gsa.gov/webforms.nsf/0/12BF5D0E2DC4484685256CBC0062F375/\\$file/SF%201445.pdf](http://contacts.gsa.gov/webforms.nsf/0/12BF5D0E2DC4484685256CBC0062F375/$file/SF%201445.pdf)

Forms can be submitted electronically to Tammy McCall (tammy.mccall@ky.gov); however, we do ask that the originals be mailed to KIA if electronically submitted.

If you have any questions regarding the above requirements, please feel free to contact Tammy McCall, Kasi White (kasi.white@ky.gov) or Sandy Williams (sandy.williams@ky.gov) via email or by phone at 502-573-0260.

Davis Bacon Contract Award Information

Please fill out one form for each contract awarded. This information is required for compliance of the Davis Bacon provisions of the Clean Water SRF or Drinking Water SRF funded projects. **Please complete and submit a copy of the Project Wage Rate Sheet as of contract award date (HUD 4720) with this form.**

Borrower Name:	
WX / SX Number:	
KIA Loan Number:	
Project Name:	
Bid Opening Date:	
Federal Wage decision # and modification # used in contract:	
Effective Date of Wage Decision used in contract:	
Contract Award Date:	
Construction Start Date:	
Estimated Completion of Construction Date:	
Contract Amount:	
Contractor Name:	
Contractor Address:	

Questions regarding Davis Bacon determination:

Yes or No

Do you certify that Davis Bacon provisions were included in your bid specifications or if the contract was awarded prior to October 30, 2009 that a Change Order has been initiated to incorporate the Davis Bacon wages and provisions into the applicable contracts?	
Does Contractor and Sub-Contractors agree to provide weekly payroll information with a Statement of Compliance to Borrower (WH-347 Form or other format acceptable to Borrower w/Statement of Compliance)?	
Does Borrower agree to conduct reviews of certified payroll information submitted by contractor and sub-contractors to verify payment of appropriate wages?	
Does Borrower agree to conduct on site interviews within two (2) weeks of the initial payroll of each contractor or subcontractor and within 2 weeks prior to completion of each contract or subcontract and complete the Labor Standards Interview Sheet (SF 1445)?	

I certify the correct wage decision is being applied to the above noted project.

Signature of Authorized Official of Borrower

Date

Title of Authorized Official

PLEASE NOTE: KIA will use a combination of funding (CWSRF/DWSRF funds and non-CWSRF/DWSRF funds) to finance projects. Both federal Davis Bacon prevailing wages and the Commonwealth of Kentucky prevailing wages apply to this project. Payment of the wage and fringe benefits that are most beneficial to the employees are required.

Davis Bacon Quarterly Compliance Certification

This information is required for compliance of the Davis Bacon provisions of the Clean Water SRF or Drinking Water SRF funded projects. This form should be submitted to KIA no later than 5th day of each calendar quarter.

Borrower Name:	
WX / SX Number:	
KIA Loan Number:	
Project Name:	
Quarter Ending:	
Number of Prime Contractors:	
Number of Sub-Contractors:	

Questions regarding Davis Bacon determination:

Yes or No

Have quarterly compliance certifications been received from contractor and sub-contractors for the above period?	
Are all contracts and sub-contracts in compliance with Davis Bacon provisions?	
Have weekly certified payrolls been received for each contract and subcontract with a Statement of Compliance (WH-347 Form or other acceptable forms accompanied by Statement of Compliance)?	
Have reviews of weekly payroll information submitted by the contracts and sub-contractors been reviewed to verify payment of appropriate wages?	
Have on site interviews within two (2) weeks of the initial payroll of each contractor and within 2 weeks prior to completion of each contract been completed?	
If so, please submit copies of the Labor Standard Interview Sheet (SF 1445) for interviews conducted within the quarter.	
If not, please provide an explanation below on why interviews were not conducted in the appropriate timeframe and when interviews will be conducted.	

I certify the correct wage decision is being applied to the above noted project.

Signature of Authorized Official of Borrower

Date

Title of Authorized Official

** Attach copies of all contractor and sub-contractor Davis Bacon certifications received during the most recent quarter for KIA's files –
DO NOT include payroll reports **

Note: All supporting documentation must be retained at the borrower's offices for a period of at least 3 years after the project completion date.

PLEASE NOTE: KIA will use a combination of funding (CWSRF/DWSRF funds and non-CWSRF/DWSRF funds) to finance projects. Both federal Davis Bacon prevailing wages and the Commonwealth of Kentucky prevailing wages apply to this project. Payment of the wage and fringe benefits that are most beneficial to the employees are required.

Davis Bacon Quarterly Compliance – Contractor

Please fill out one form for each contract awarded and submit to the KIA loan recipient. This information is required for compliance of the Davis Bacon provisions of the Clean Water SRF or Drinking Water SRF funded projects. This form should be submitted to the Prime Contractor no later than 5th day of each calendar quarter.

Borrower Name:	
WX / SX Number:	
KIA Loan Number:	
Project Name:	
Federal Wage decision # and modification # used in contract:	
Effective Date of Wage Decision used in contract:	
Contract Amount:	
Contractor Name:	
Contractor Address:	
Contract Actual Start / Anticipated End Date	

Questions regarding Davis Bacon determination:

	Yes or No
Was the appropriate wage rate paid to all workers from the first day on which work was performed?	
Have all weekly payroll information reports with a Statement of Compliance (in the form of WH-347) been submitted to the Borrower?	
Is the appropriate signage and notification of federal wage rates posted at the construction site?	
Are all sub-contracts in compliance?	

I certify the correct wage decision is being applied to the above noted project.

Signature of Authorized Official of Contractor

Date

Title of Authorized Official

- *The prime contractor must keep a complete set of all of the payrolls for every contractor (including subcontractors) for at least 3 years after completion of the project.*
- *Every contractor (including every subcontractor) must keep a complete set of their own payrolls and other basic records such as time cards, tax records, and evidence of fringe benefit payments, for a Davis Bacon project for at least 3 years after the project is complete.*

PLEASE NOTE: KIA will use a combination of funding (CWSRF/DWSRF funds and non-CWSRF/DWSRF funds) to finance projects. Both federal Davis Bacon prevailing wages and the Commonwealth of Kentucky prevailing wages apply to this project. Payment of the wage and fringe benefits that are most beneficial to the employees are required.

Davis Bacon Quarterly Compliance – Sub-Contractor

Please fill out one form for each contract awarded and should be submitted to the Prime Contractor. This information is required for compliance of the Davis Bacon provisions of the Clean Water SRF or Drinking Water SRF funded projects. This form should be submitted to the Prime Contractor no later than 5th day of each calendar quarter.

Borrower Name:	
WX / SX Number:	
KIA Loan Number:	
Project Name:	
Federal Wage decision # and modification # used in contract:	
Effective Date of Wage Decision used in contract:	
Contract Amount:	
Prime Contractor Name:	
Contractor Address:	
Sub-Contractor Name:	
Sub-Contractor Address:	
Sub-Contract Actual Start / Anticipated End Date	

Questions regarding Davis Bacon determination:

	Yes or No
Was the appropriate wage rate paid to all workers from the first day on which work was performed?	
Have all weekly payroll information reports with a Statement of Compliance (in the form of WH-347) been submitted to the Borrower or Prime Contractor?	
Is the appropriate signage and notification of federal wage rates posted at the construction site?	

I certify the correct wage decision is being applied to the above noted project.

Signature of Authorized Official of Sub-Contractor

Date

Title of Authorized Official

- ***Every contractor (including every subcontractor) must keep a complete set of their own payrolls and other basic records such as time cards, tax records, and evidence of fringe***

benefit payments, for a Davis Bacon project for at least 3 years after the project is complete.

PLEASE NOTE: KIA will use a combination of funding (CWSRF/DWSRF funds and non-CWSRF/DWSRF funds) to finance projects. Both federal Davis Bacon prevailing wages and the Commonwealth of Kentucky prevailing wages apply to this project. Payment of the wage and fringe benefits that are most beneficial to the employees are required.

**DISADVANTAGED BUSINESS ENTERPRISE (DBE)
NEGOTIATED RATES**
(Subject to change)

KENTUCKY

SRF Construction:	0.70% MBE and 7.60% WBE
Equipment:	1.20% MBE and 1.10% WBE
Services:	1.20% MBE and 16.30% WBE
Supplies:	3.70% MBE and 4.60% WBE

DBE Forms for the SRF Program

* EPA Form 6100-2 - DBE Program Subcontractor Participation Form. This form gives a DBE subcontractor the opportunity to describe the work the DBE subcontractor received from the prime contractor, how much the DBE subcontractor was paid and any other concerns the DBE subcontractor might have.

* EPA Form 6100-3 - DBE Program Subcontractor Performance Form. This form captures an intended subcontractor's description of work to be performed for the prime contractor and the price of the work submitted to the prime.

* EPA Form 6100-4 – DBE Program Subcontractor Utilization Form. This form captures the prime's intended use of an identified DBE subcontractor, and the estimated dollar amount of the subcontract.

* Pay Request DBE Form - This form captures the amount of DBE work performed per pay request and amounts to be paid out.

<u>Form</u>	<u>Requirement</u>	<u>Provided by:</u>	<u>Completed by:</u>	<u>Submitted to:</u>
EPA Form 6100-2	Recipients required to have prime contractors provide form to Subcontractors	Prime Contractors	DBE Subcontractors	DOW Project Administrator
EPA Form 6100-3	Recipients required to have prime contractors provide form to Subcontractors	Prime Contractors	DBE Subcontractors	DOW Project Administrator with the ATA Package
EPA Form 6100-4	Recipients required to have prime contractors complete the form	Recipients	Prime Contractors	DOW Project Administrator with the ATA Package

Pay Request DBE Form	Recipients required to have prime contractors complete the form	Recipients	Prime Contractors	DOW Project Administrator with EACH PAYMENT
----------------------	---	------------	-------------------	--

*** Filled out by prime contractor. * Submitted after opening bids.**

DISADVANTAGED ENTERPRISE PARTICIPATION POLICY

PROJECT NAME: _____ **BID DATE:** _____

1. Name, address and telephone number of contact person on all DBE matters:

Prime Contractor's Name: _____

Contact Person: _____

Address: _____

Phone: _____

Cell Phone: _____

Email: _____

Total Contract Amount: _____

5. Total dollar amount/percent of contract of MBE participation:

6. Total dollar amount/percent of contract of WBE participation:

7. Certifications* for each subcontractor enclosed: ☐ Yes ☐ No

8. Subcontracts or letters of intent signed by both parties enclosed: ☐ Yes ☐ No

9. **List of MBE Subcontractors:**

Name: _____

Contact Person: _____

Address: _____

Phone: _____

Cell Phone: _____

Email: _____

Type of Contract: _____

Work to be Done: _____

Amount: _____

10. **List of WBE Subcontractors:**

Name: _____
Contact Person: _____
Address: _____
Phone: _____
Cell Phone: _____
Email: _____
Type of Contract: _____
Work to be Done: _____
Amount: _____

Attach Additional Sheets, If Necessary

*Self-certification: Self certification of MBE/WBE/DBE firms will NOT be accepted as a valid form of certification of MBE/WBE/DBE status.

Information concerning the efforts for obtaining subcontractor(s)

11. Information to be submitted by the bidder concerning good faith efforts taken

- a. Advertisements, etc.: List each publication in which an announcement or notification was placed and attach the tear sheet of each announcement from each publication

Name of publication: _____

Address: _____

Dates of advertisement: _____

Specific subcontract areas announced: _____

- b. List each DBE construction firm or supplier to which a letter of solicitation was sent or with whom negotiations were held.

Company name and phone number: _____

Area of Work Expertise: _____

Date of any follow-up call and person spoke to: _____

- c. Copies of returned envelopes.
- d. Copies of faxes sent.
- e. Copies of certified mail return receipts.
- f. Copies of letters or e-mails from solicited firms declining offer.
- g. Copy of bidders list (see sheet below):



Environmental
Environmental
Agency

***FILLED OUT BY THE DBE
SUBCONTRACTORS *SUBMITTED
ANY TIME DURING PROJECT**

OMB Control No: 2090-0030
Approved: 05/01/2008
Approval Expires: 01/31/2011
OMB Control No: 2090-0030
Approved: 05/01/2008
Approval Expires: 01/31/2011

**Disadvantaged Business Enterprise Program
DBE Subcontractor Participation Form**

NAME OF SUBCONTRACTOR ¹	PROJECT NAME
ADDRESS	CONTRACT NO.
TELEPHONE NO.	EMAIL ADDRESS
PRIME CONTRACTOR NAME	

Please use the space below to report any concerns regarding the above EPA-funded project (e.g., reason for termination by prime contractor, late payment, etc.).

CONTRACT ITEM NO.	ITEM OF WORK OR DESCRIPTION OF SERVICES RECEIVED FROM THE PRIME CONTRACTOR	AMOUNT SUBCONTRACTOR WAS PAID BY PRIME CONTRACTOR

Subcontractor Signature

Title/Date

¹Subcontractor is defined as a company, firm, joint venture, or individual who enters into an agreement with a contractor to provide services pursuant to an EPA award of financial assistance.



Environmental
Protection Agency

OMB Control No: 2090-0030
Approved: 05/01/2008
Approval Expires: 01/31/2011

Disadvantaged Business Enterprise Program DBE Subcontractor Participation Form

The public reporting and recordkeeping burden for this collection of information is estimated to average fifteen (15) minutes. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including the use of automated collection techniques to the Director, Collection Strategies Division, U.S. Environmental Protection Agency (2822), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460. Include the OMB control number in any correspondence. Do not send the completed EPA DBE Subcontractor Participation Form to this address.

- O. CLEAN WATER SRF ☐ DRINKING WATER SRF ☐
P. EPA GRANT ☐

PROJECT REVIEW AND COST SUMMARY

THIS QUESTIONNAIRE/CHECK SHEET IS FURNISHED AS AN ADMINISTRATIVE AID AND IS REQUIRED FOR USE IN SUPPLYING INFORMATION AND DOCUMENTS, REPORTING MINOR CHANGES AND PROJECT STATUS. THE INFORMATION AND DOCUMENTS SHOULD BE SUBMITTED TO DOW WITHIN 7 to 14 DAYS AFTER BID OPENING.

SECTION 1.

1. Project Name Project Number
2. **Changes: Have there been any changes in the project since DOW's approval of the plans and specifications?**
- ☐ Yes ☐ No Construction Drawings. If yes, submit revised drawings and addenda. **See Note***
- ☐ Yes ☐ No Specifications. If yes, submit addenda. **See Note***
- *Note:** **Prior approval is required for changes in design, scope, type of treatment, size, capacity, time to complete the project, etc. Changes, which result in increase in the amount of a contract, must be procured in accordance with state and federal requirements, as applicable.**
- ☐ Yes ☐ No Site Changes. If so, new Clear Site Certificates are required prior to start of construction.
- ☐ Yes ☐ No Authorized Representative (Mayor, City Manager, etc.). If so, provide name and title.

SECTION 2.

Date Bids Opened: _____ **Date Bids Expire:** _____

1. The following items should be submitted to DOW within 7 to 14 days after bid opening:
- A. Executed Project Review & Cost Summary Form (this form).
 - B. Original bid advertisement with affidavit of publication.

- C. Revised Budget (copies attached, use appropriate form).
- D. Certified Bid Tabulations with engineer's seal.
- E. DBE Documentation (See Attachment No. 12 of the Supplemental General Conditions (SGC)):
 - Disadvantaged Enterprise Participation Policy from the successful bidder with DBE certifications and subcontracts with DBEs or letters of intent signed by both parties; or documentation on the level of effort taken to obtain DBEs including copies of correspondence with DBE contractors, requesting quotes and copies of any advertisements soliciting DBE contractors, copies of returned envelopes and certified mail receipts, telephone log, etc.
 - Bidder's List Form from recipient and successful bidder.
 - EPA Form 6100-3 from DBE subcontractors.
 - EPA Form 6100-4 from successful bidder.

2. The following items must be submitted to DOW at the Pre-construction Meeting:

- A. Executed Contract Documents (once contract is signed).
- B. Notice of Award, Notice To Proceed, Bid Bond, Payment Bond, and Performance Bond (generally included in executed contract).
- C. Technical Specification (generally included in executed contract).
- D. Contractor's Certification Regarding Lobbying (See Attachment No. 11 in the SGC).
- E. Contractor's Debarred Firm Certification (See Attachment No. 10 in the SGC).

3. A copy of the items identified in Section 2.1 and Section 2.2, above, and the following must be retained by the owner. This documentation is subject for review, by DOW, at the time of the pre-construction conference.

- A. Name and qualifications of the proposed resident inspector(s).
- B. Proposal of the successful bidder(s).
- C. EEO documentation required by Executive Order 11246 as amended. Items 1 through 11 (See Attachment No. 7 in the SGC), is required for all contracts over \$10,000 except supplier contracts. Supplier contracts require:
 - 1. Name, address, and telephone number.
 - 2. Materials to be supplied and dollar value.
 For contracts below \$10,000, the same information required for supplier contracts must be submitted.
- D. Engineer's letter to the loan recipient recommending award of the contract. Letter must include a description of work, dollar amount, and name of the low bidder. If award is recommended to be made to other than the low bidder, a justification indicating why the low bidder is not responsive or responsible.
- E. Contractor project construction schedule and payment schedule.
- F. Applicable wage rate determination letter.
- G. Tentative Award Resolution.

4. Comments: _____

I hereby certify that all documentation outlined in Section 2.1, 2.2 and 2.3 will be retained in our project files and all documentation outlined in Section 2.1 has been submitted to DOW and all documentation outlined in Section 2.2 will be submitted to DOW during the Pre-con meeting.

Date: _____

Signature of Authorized Representative

Name and Title

Attachment

Drinking Water SRF Project Cost Summary

Project Title: _____

WRIS#: WX _____

Project Budget: Estimated
enter date

As Bid
enter date

Revised
enter date

Cost Classification		DWSRF KIA Loan	Funding Source 1	Funding Source 2	Funding Source 3	Funding Source 4	Funding Source 5	Local Funds	Unfunded Costs	Total
1	Administrative Expenses									
2	Legal Expenses									
3	Land, Appraisals, Easements									
4	Relocation Expenses & Payments									
5	Planning									
6	Engineering Fees – Design									
7	Engineering Fees – Construction									
8	Engineering Fees – Inspection									
9	Engineering Fees – Other									
10	Construction									
11	Equipment									
12	Miscellaneous									
13	Contingencies									
	Total									

Funding Sources		Amount	Date Committed
1			
2			
3			
4			
5			
	Total		

Local Funding Sources		Amount	Date Committed
1			
2			
3			
	Total		

Cost Categories	Funding Source	Total Cost
Treatment		
Transmission and Distribution		
Source		
Storage		
Purchase of Systems		
Restructuring		
Land Acquisition		
Total Costs		

Total Funding _____

* Submitted after opening bids.

BIDDER'S LIST FORM

LOAN NO: _____

BID DATE: _____

Instructions:

1. This list must include all firms that bid or quote on prime or subcontracts under EPA assisted projects (i.e. SRF Projects), included both DBE's and non DBE's.
2. SRF loan participants must keep the Bidder's List until the project period for the identified loan has ended and no funds are remaining.
3. This list must be submitted to DOW in the ATA Package. Contract Award Approval cannot be given until this form has been received by SRF.
4. The following information must be obtained from all prime and sub-contractor's. Please complete the form below:

[illegible]

U.S. EPA, Office of Grants and Debarment
Tip Sheet for Registering with the Central Contractor Registration (CCR)

What is CCR?

- The CCR is a government-wide registry for organizations that seek to do business with the federal government. The CCR collects, validates, stores and disseminates data to support a variety of federal initiatives.
- **Already registered?** An organization may check if it is already registered by logging onto www.ccr.gov, clicking on "Search CCR," and providing the organization's DUNS number.
- **Need to register?** If an organization is not registered, it may register online at www.ccr.gov. CCR has developed a user guide at <http://www.ccr.gov/doc/CCRUsersGuide.pdf> and a handbook at <http://www.ccr.gov/Handbook.aspx> to assist with the process. These publications include details on the information that will need to be gathered to complete the CCR registration process.

How long should CCR Registration take?

- If an organization already has an Employer Identification Number (EIN) or Taxpayer Identification Number (TIN), it should allow a minimum of 48 hours to complete the entire CCR registration.
- If an organization does not have an EIN or TIN, it should allow two weeks for obtaining information from IRS when requesting the EIN or TIN via phone or Internet. The delay is due to security information that is mailed to the organization.

When an organization registers with the CCR, it must provide:

- **DUNS number.** The Data Universal Numbering System (DUNS) Number is a unique nine-character identification number provided by D&B. Organizations may call D&B at 1-866-705-5711 or access the website <http://fedgov.dnb.com/webform> if they do not have a DUNS Number. The process to request a DUNS Number via phone takes about 10 minutes and is free of charge. Internet requests are fulfilled within 24 hours. Once a DUNS Number has been issued, it will be available for use in CCR within 24 hours.
- **U.S. Federal TIN.** The Tax Identification Number (TIN) is the nine-digit number which is either an Employer Identification Number (EIN) assigned by the Internal Revenue Service (IRS) or Social Security Number (SSN) assigned by the Social Security Administration (SSA). If an organization does not have a TIN/EIN, contact the IRS at 1-866-255-0654.
- **CCR Point of Contact (CCR POC).** This individual is responsible for maintaining the accuracy and timeliness of the information in the CCR registry for the organization.
- **Electronic Business Point of Contact (EB POC).** This individual will have sole authority to designate the staff member(s) who may represent the organization to federal business systems. The same individual may serve as both the CCR POC and as the EB POC.
- **Marketing Partner ID (MPIN).** During registration, organizations will be asked to designate a special password called an MPIN. Record and protect passwords.

U.S. EPA, Office of Grants and Debarment

Tip Sheet for Registering with the Central Contractor Registration (CCR)

Important Notes:

- **CCR registration must be updated or renewed at least once a year or it will expire.** CCR will alert the CCR POC when it is time for renewal.
- **Organizations must ensure that all information contained in each database, the D&B DUNS, IRS and CCR databases, matches exactly.** For example: if an organization's address is 123 First Street in one database – entering 123 1st St. in another database will significantly delay the CCR registration process.
- **CCR uses data from the D&B DUNS number record for each CCR registrant's name and address.** If, upon review, an organization finds that any name or address information in their CCR registration needs to be updated, it will have to go back to D&B, which in turn will send the modified data to CCR where the CCR POC will have to accept it. An update will add a minimum of 2 days to the CCR registration process.
- **CCR also verifies with the IRS the Tax Identification Number (also known as the TIN or EIN) that each organization provides during the registration process.** Because of this, it may take CCR 2 or 3 days after receipt of an organization's information, with a D&B-validated name and address, to finalize a CCR registration.
- After the CCR registration is complete, CCR will e-mail a confirmation to the CCR POC.

PRECONSTRUCTION
CONFERENCE
PACKET

For Conference Calls

SRF LOANS
FUNDS A & F

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Page 4 – Items Needed by DOW Project Administrator

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Page 18 – MBE/WBE Utilization form

Page 19 – Project Closeout Information

Page 20 – Repayment of Assistance Agreement

CHECKLIST FOR COMPLETION

- ☐ At the meeting, circulate the Preconstruction Meeting sign-in form (p.6) and return originals to DOW Project Administrator.
- ☐ Sign the “Preconstruction Meeting Form” (p.7) and return to DOW Project Administrator.
- ☐ Complete the Design Life Certification (p.10) on engineer’s letterhead and return to DOW Project Administrator.
- ☐ If not already completed, fill out Authorization for Electronic Deposit form (p.11) and return to KIA.
- ☐ Forward pay request instructions and administrative responsibilities (pp.14-18) to the person who will be preparing pay requests.
- ☐ Review and retain suggested filing system (pp.12-13) for use, as well as the list of required documents to retain that is listed on the Project Review and Cost Summary (that you completed prior to the Preconstruction Meeting).
- ☐ Review the Closeout Information (p.19) and Repayment of Assistance Agreement information (p.20) in this packet and retain it for future reference.
- ☐ Send the following items to Project Administrator:
 - **Failure to send these items will delay the start of construction and the execution of your assistance agreement. Pay requests cannot be processed until after the assistance agreement has been executed.***
 - Executed Contract
 - Notice to Proceed
 - Completed Preconstruction Meeting Sign-in Form (original) (p.6)
 - Signed “Preconstruction Meeting” Form (original signature) (p.7)
 - Authorization for Electronic Deposit (if not already completed) (p.11)
 - Design Life Certification on engineer’s letterhead (example on p.10)

ITEMS NEEDED BY DOW PROJECT ADMINISTRATOR

Please send this information to your DOW Project Administrator as soon possible after the preconstruction meeting:

- ☐ Executed Contract
- ☐ Notice to Proceed
- ☐ Completed Preconstruction Meeting Sign-in Form (original) (p.6)
- ☐ Signed "Preconstruction Meeting" Form (original signature) (p.7)
- ☐ Authorization for Electronic Deposit (if not already completed) (p.11)
- ☐ Design Life Certification on engineer's letterhead (example on p.10)

Failure to send these items to DOW will delay the start of construction and the execution of your assistance agreement. Payment requests cannot be processed until after the assistance agreement has been executed.

CONTACT INFORMATION

Your DOW Project Administrator:

Name:

Kentucky Division of Water
Water Infrastructure Branch
SRF & SPAP Section
200 Fair Oaks, 4th Floor
Frankfort, Kentucky 40601

Phone: (502) 564-8158, ext. _____

Fax: (502) 564-9003

Email: _____

Web site: www.water.ky.gov

Your DOW Project Engineer:

Name:

Kentucky Division of Water
Water Infrastructure Branch
Engineering Section
200 Fair Oaks, 4th Floor
Frankfort, Kentucky 40601

Phone: (502) 564-8158, ext. _____

Fax: (502) 564-9003

Email: _____

Web site: www.water.ky.gov

KIA Contact Information:

Kasi White/Sandy Williams
Kentucky Infrastructure Authority (KIA)
1024 Capital Center Drive, Suite 340
Frankfort, Kentucky 40601

Phone: (502) 573-0260

Fax: (502) 573-0157

Web site: www.kia.ky.gov

PRECONSTRUCTION MEETING SIGN-IN FORM

PROJECT NAME:

MEETING SUBJ:

LOCATION:

DATE:

TIME:

[illegible]

Q. PRECONSTRUCTION MEETING FORM

Date: 5/14/2010_____

Recipient:_____Project No____

Project:_____

Mayor/Chairman:_____

Project Administrator (*Recipient*):_____

Project Consultant (*Engineer*):

DOW Project Administrator:_____

DOW Project Engineer:_____

Loan Date of Award:_____

Loan Amount: \$_____

ATA Issued: _____

Be sure you have retained the documents listed in the signed Project Review and Cost Summary form that you filled out prior to the Preconstruction Meeting. You are required to keep those documents on file for discussion and review.

Contracts:

NUMBER/NAME	<i>TYPE</i> (Construction/Engineering)	<i>TOTAL</i> <i>AMOUNT</i>	<i>SRF</i> <i>PORTION</i>
		\$	\$
		\$	\$
		\$	\$
		\$	\$
		\$	\$

1. **Have you completed and returned the Authorization for Electronic Deposit form (p. 11)?**
☐ Yes ☐ No If no, complete form on page 11 and return original to KIA, copy to DOW.
2. **Have you completed and returned the Design Life Certification (p. 10)?**
☐ Yes ☐ No If no, complete example on page 10 and return original to KIA, copy to DOW.
3. **Have you submitted the Clear Site Certificate to DOW engineer (required prior to start of construction)?**
☐ Yes ☐ No
4. **Filing System** – Person responsible for maintaining the files:
Name: _____ Title: _____
 - See copy of suggested filing system on page 12.
5. **Force Account (if applicable):**
 - Has it been approved: ☐ Yes ☐ No ☐ N/A
 - Brief description:

6. **Are there any outstanding conditions of the binding commitment?**
☐ Yes ☐ No (If yes, list below and discuss with DOW Project Administrator.)
 - _____
 - _____
7. **Pay requests and processing procedures:**
 - Who will prepare pay request and submit to DOW?

 - Loan payments must be submitted to DOW no later than the 5th calendar day of the month. Requests must be made on the Exhibit B form with invoices attached and original signatures (**see Exhibit B, p. 15**). The Contractor must submit KIA's DBE Utilization form (see page 18) with invoices from approved DBE firms. The electronic payment should be in their account by 19th of month.
 - All pay requests are reviewed by DOW and are subject to be adjusted/held by DOW.
 - Payments for change order work must be in the approved loan budget as a contingency line item. If budgeted, payments associated with change order work will not be paid until DOW has approved the change order work. DOW must approve all change order work regardless of funding.

- No payments will be released for work incurred beyond the approved construction contract completion date. Time extensions may be granted by change order only.

8. Final Pay Request:

- Final administrative and engineering invoices must be submitted, if applicable.
- Contractor's final pay estimate and release of lien must be submitted.
- Final Adjusting Change Orders must be submitted.
- As-built plans must be submitted.
- PE submits letter that the project was constructed in accordance with the approved plans and specifications.
- The Final Pay Request cannot be paid until the Project Closeout is completed.

9. Project Closeout:

- 45 days prior to the construction contract completion date, applicants are required to submit to DOW, in writing, the project's initiation of operation date. Once this date is established, DOW will complete an administrative closeout review and issue any deficiency letters, if applicable. Once all deficiencies are resolved, DOW will send a final payment letter that will include a Certificate of Completion form. This form must be completed and returned.
- For loans, DOW will transmit the forms to KIA and certify the project is complete. KIA will then pay the Final Pay Request and send to the applicant an Exhibit F and resize the loan.

10. Comments:

DOW Project Administrator

Date

Applicants Signature

Date

DESIGN LIFE CERTIFICATION EXAMPLE

This certification must be on the engineering consultant's letterhead and signed by the PE:

As required by the Letter of Binding Commitment for the City/County/Water District of _____, (wastewater/drinking water) project # _____, we certify that the facilities designed for this project have an estimated useful life of 20 years.

_____, P.E.
(Consulting Engineer)

Date

*AUTHORIZATION FOR ELECTRONIC DEPOSIT
OF BORROWER PAYMENT
KENTUCKY INFRASTRUCTURE AUTHORITY
(FUNDS A, A1, F, F1)*

Borrower Information:

Name: _____

Address: _____

City: _____ *State:* _____ *Zip:* _____

Telephone: _____ *Contact:* _____

Federal I.D. #: _____

Financial Institution Information:

Bank Name: _____

Branch: _____ *Phone No:* _____

City: _____ *State:* _____ *Zip:* _____

Transit/ABA No.: _____

Account Name: _____

Account Number: _____

I, the undersigned, authorize payments directly to the account indicated above and to correct any errors that may occur from the transactions. I also authorize the Financial Institution to post these transactions to that account.

Signature: _____ *Date:* _____

Name Printed: _____ *Job Title:* _____

Please return completed form to:

*Kentucky Infrastructure Authority
1024 Capital Center Drive, Suite 340
Frankfort, Kentucky 40601
phone: 502-573-0260
fax: 502-573-0157*

SRF LOAN SUGGESTED FILING SYSTEM

Correspondence

- A copy of all comment/transmittal/approval letters and general correspondence

Engineering Procurement/Contracts

- Procurement Documentation
- All engineering agreements, amendments and subcontracts
- Comment/approval letters and related correspondence

State Planning and Environmental Assessment Report (SPEAR)/Categorical Exclusion Determination (CED)/Finding of No Significant Impact (FONSI)

- SPEAR/CED/FONSI
- Facilities Plan document (where located if not in file)
- Preliminary Engineering Report, if applicable
- Public Hearing documentation
- Clearinghouse Comments
- Comment/approval letters and related correspondence

Application

- Application and related documents (resolution, assurances, Title VI, etc.)
- Comment/Approval letters and related correspondence

Audits

- Audit Reports as required

Plans and Specifications

- Plans and specifications (where located if not in file or on microfilm)
- Addenda
- Site Certificates
- Value Engineering Report, if applicable
- Comment/approval letters and related correspondence

Agreements/Amendments

- Certification of commitment letters, as applicable
- Loan agreements, including any amendments

Sewer Use Ordinance and User Charge System/Ordinance

- Sewer Use Ordinance – enacted copy
- User Charge System/Ordinance – enacted copy
- Inter-local agreements, if applicable
- Comment/approval letters and related correspondence

Authority to Award (ATA)

- Project Review and Cost Summary form
- Bid Proposal(s)
- Proof of Advertisement
- Tentative Award Resolution
- Certified Bid Tabulations
- /EEO/BE documentation
- Comment/approval letters and related correspondence

Contracts Construction and Change Orders (separate file for each contract)

- Insurance Certificates
- Contract Documents (where located if not in file)
- Performance/Payment Bond
- Power of Attorney
- Wage Rates
- Change Orders w/log
- Comment/approval letters and related correspondence

Operation and Maintenance (O&M)

- Draft/Final O&M Manual, if required
- Preliminary/Final Plan of Operation
- Comment/approval letters and related correspondence

Construction Inspection Reports

- Interim and Final Inspection Reports and related data

Payments

- Copy of signed pay request
- Invoices and estimates
- Payment log or record of payments
- Comment/approval letters and related correspondence

PAYMENT REQUESTS INFORMATION

The executed Assistance Agreement must be in place before you can submit a Pay Request

Payments for SRF Loan:

- Submit payment requests no later than the 5th of month
- Electronic Payment is made by the 19th or 20th
- Send the original Exhibit B Pay Request signed (*in blue ink*) form along with invoices and supporting documents to:
Kentucky Infrastructure Authority (KIA)
1024 Capital Center Drive
Suite 340
Frankfort, KY 40601
Phone: 502-573-0260
- Send a copy of the Exhibit B Pay Request form along with a copy of invoices and supporting documents to:
_____ (Project Administrator) due by 5th of each month.
Department for Environmental Protection
Division of Water
Frankfort Office Park
14 Reilly Road
Frankfort, KY 40601-1189
FAX: 502-564-0111
Phone: 502-564-8158 ext. _____

Things to keep in mind:

- After the preconstruction meeting, DOW issues final certification to KIA for the assistance agreement. The process of executing the agreement takes approximately 4-6 weeks.
- Pay requests can only be processed after the assistance agreement has been fully executed.
- Cost has to be incurred then you make request.
- DOW has to certify first.
- Contractors Invoices and other supporting documents must be included with the pay request sent to DOW.
- Change orders must be approved by DOW Engineer.
- Change orders are to be paid for from Contingency, and they must be approved before they can be paid.
(PLEASE NOTE: If you don't have money in your contingency budget, we cannot pay for change orders. But change orders must still be approved by a DOW engineer.)
- Make sure your invoices period covered matches period of work performed.

Payments can be held/adjusted for some of the reasons listed below:

- Assistance Agreement not in place
- Change order work unapproved
- Math errors
- Contract expired (requires a change order for time extension)
- Receipt of closeout items

If you have MBE or WBE involved in your payment requests:

- Complete the DBE Utilization form (p.18) with each pay request and attach all invoices from the DBE subcontractors for that period.

FUND ____

EXHIBIT B

REQUEST FOR PAYMENT WITH RESPECT TO
ASSISTANCE AGREEMENT DATED _____

R. Request Number: _____

Dated: _____

Send original to: 5th of month :Kentucky Infrastructure Authority
1024 Capital Center Drive
Suite 340
Frankfort, Kentucky 40601

And a copy to: 5th of month Buddy Griffin
Division of Water
Water Infrastructure Branch
SRF & SPAP Section
200 Fair Oaks 4th Floor
Frankfort, Kentucky 40601

From: _____ (“Governmental Agency”)

Gentlemen:

The above-identified Governmental Agency has entered into an Assistance Agreement with the Kentucky Infrastructure Authority (the “Authority”) for the planning, design, and construction of facilities described in the Assistance Agreement as the “Project.”

Pursuant to the Assistance Agreement, we here by certify that we have incurred the following expenses in connection with the Project and that the Authority’s funding share of these expenses is in the amount so denoted in this request totaling \$_____.

Documentation supporting the expenses incurred and identified per this request are attached.

ELIGIBLE PROJECT EXPENSES INCURRED

<u>Cost</u> <u>Classification</u>	<u>Expenses</u> <u>This</u> <u>Request</u>	<u>Expenses</u> <u>To</u> <u>Date</u>
--	---	--

S. TOTALS:

ALLOCATION OF FUNDING FOR EXPENSES

T. <u>Funding Source</u>	Portion of Expenses <u>This Request</u>	Portion of Expenses <u>Total to Date</u>
--------------------------	--	---

U. TOTALS:

The Governmental Agency certifies it has also paid Project expenses or has submitted requisitions to the applicable funding sources for Project expenses, which have not been identified in any previous Request for Payment, as follows:

<u>Funding Source</u>	<u>Amount of Payment or Requisition</u>	<u>Date of Payment or Requisition</u>
------------------------------	--	--

Respectfully submitted,

Governmental Agency

By _____

Title _____

**CERTIFICATE OF CONSULTING ENGINEERS
AS TO
PAYMENT REQUEST**

The undersigned, a duly qualified and licensed Engineer hereby certifies that he or she represents the Governmental Agency submitting this request in connection with the “Eligible Project” and that all expenses represented in this request were duly incurred for the “Project,” that the Authority’s funding share of these expenses is accurately represented and that such expenses have not been the subject of any request for disbursement previously submitted.

Signature of Professional Engineer

Typed Name of Professional Engineer
Firm Name

KIA STATE REVOLVING FUND

DBE UTILIZATION

Contract No./Name: _____

Project Name: _____ Project No.: _____

Reporting Period: _____

Attach Invoices

MBE / WBE Contractor Name: _____

	<u>MBE</u>	<u>WBE</u>
Total dollar amount of subcontract:	\$ _____	\$ _____
Total dollar amount for this reporting period:	\$ _____	\$ _____
 Total dollar amount of subcontract (construction):	 \$ _____	 \$ _____
Total dollar amount for this reporting period:	\$ _____	\$ _____
 Total dollar amount of subcontract (equipment):	 \$ _____	 \$ _____
Total dollar amount for this reporting period:	\$ _____	\$ _____
 Total dollar amount of subcontract (services):	 \$ _____	 \$ _____
Total dollar amount for this reporting period:	\$ _____	\$ _____
 Total dollar amount of subcontract (materials/supplies):	 \$ _____	 \$ _____
Total dollar amount for this reporting period:	\$ _____	\$ _____

*** If no money was paid to MBE/WBE subcontractor, please note this.**

Signed: _____

Title: _____

Phone: _____

E-mail: _____

PROJECT CLOSEOUT INFORMATION

- When construction is 90% complete, applicants are required to submit to DOW, in writing, the project's initiation of operation date. Once this date is established, DOW will complete an administrative closeout review and issue any deficiency letters, if applicable. Once all deficiencies are resolved, DOW will send a final payment letter to you that will include Certificate of Completion forms. These forms must be completed and returned.
- For loans, DOW will transmit the forms to KIA and certify the project is complete. KIA will then pay the Final Pay Request and send to the applicant an Exhibit F and resize the loan.
- Final administrative, engineering (if applicable) and construction invoices must be submitted.
- Contractor's final pay estimate and release of lien must be submitted.
- Final Adjusting Change Orders must be submitted.
- The DOW Engineer must do the final inspection before closeout.
- As-built plans must be submitted.
- PE submits letter that the project was constructed and built in accordance with the approved plans and specifications.
- The Final Pay Request cannot be paid until the Project Closeout is completed.
- Recipient must have submitted a letter identifying Initiation of Operation.
- The SRF Certificates of Completion must be done by both the PE and the loan recipient. (You should receive these with the final payment letter.)

REPAYMENT OF ASSISTANCE AGREEMENT

The Kentucky Infrastructure Authority will bill loan recipients twice a year (June 1 and December 1) on Fund A, A1, F, and F1 loans.

INTEREST ONLY:

Interest is payable on the amount actual funds drawn. The first payment is due within 6 months of the initial draw. However, if the initial draw is less than 3 months from the next billing date, the payment will be deferred to the billing date that is at least 6 months from the initial draw. See below:

<u>First Draw</u>	<u>First Payment Due</u>
09/01-02/28	06/01
03/01-08/31	12/01

Interest payments are due every 6 months.

If capitalized interest was included in the application, and the interest payment is included in the pay request, a copy of the KIA notice must be included with the pay request.

FULL PRINCIPAL AND INTEREST:

Full principal and interest payments must begin within 12 months from Initiation of Operation. For a schedule of when the first “full” payment will be due, see below:

<u>Initiation of Operation</u>	<u>Full Payment Due</u>
12/01-05/31	12/01
06/01-11/30	06/01

Full principal and interest payments will be due every 6 months until the loan is repaid (not to exceed 20 years).

Project close-out will occur when the Administrative Review is completed and all deficiencies have been satisfied. The loan amount will be resized if necessary at that time.

List of closeout documents needed:

- The final pay request form (Exhibit B), supporting invoices and DBE utilization forms with supporting invoices
- The Initiation of Operation date stated in a letter from the borrower
- A letter from the consulting engineer stating that the project was built according to the approved plans and specs
- As-builts sent to the DOW engineer
- A final inspection by DOW
- A release of lien from the contractor
- Any final adjusting change orders
- Certificates of completion from the loan recipient and the consulting engineer
- Any required information requested by KIA

Also one important note: Any contractor's work reflected in the final request must be covered under the contract time. If there is work done after the contract's end date you have to do a change order to extend the contract before you can receive payment.

All of this has to be in before the final payment can be certified and the project can be closed out.

CONSULTING ENGINEER'S

CERTIFICATE OF COMPLETION

Per the Assistance Agreement between the Kentucky Infrastructure Authority and (loan recipient) _____ that pertains to the project covered by the (Clean Water/Drinking Water) State Revolving Fund loan number (_____), this certificate signed by the consulting engineer confirms that the following activities are complete.

1. The project and all other facilities in connection therewith have been acquired, constructed, equipped and installed in accordance with approved plans and specifications.

Consulting Engineer

Date

LOAN RECIPIENT'S

CERTIFICATE OF COMPLETION

Per the Assistance Agreement between the Kentucky Infrastructure Authority and (loan recipient) _____ that pertains to the project covered by the (Clean Water/Drinking Water) State Revolving Fund loan number (L/DWSRF) _____, this certificate signed by the authorized representative of the Governmental Agency confirms that the following activities are complete.

1. The project construction has been completed and I certify that payment has been made for all labor, services, materials, supplies, machinery and equipment included in the above referenced assistance agreement.
2. All other facilities necessary in connection with the project have been acquired, constructed, equipped and installed and all costs and expenses incurred in connection therewith have been paid.
3. The project and all other facilities in connection therewith have been acquired, constructed, equipped and installed to my satisfaction.

Authorized Representative for Project

Date